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RECORDS OF THE UNITED STATES

MUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA V. KARL BRANDT ET AL. (CASE I)

NOVEMBER 21, 1946-AUGUST 20, 1947

Roll 6

Transcript Volumes (English Version)

Volumes 13-15

Mar. 12-Apr. 8, 1947



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

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INTRODUCTION

On the 46 rolls of this microfilm publication are reproduced the records of Case I (*United States of America v. Karl Brandt et al.*, or the "Medical" Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 30 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. The prosecution and defense briefs and answers are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-570, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in four bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts, exhibits, and the official court file.

Case I was heard by U.S. Military Tribunal I from November 21, 1946, to August 20, 1947. The records of this case, as the

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records of the other Nuernberg and Far East (INTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Brandt case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The crimes charged in the Brandt case consisted largely of medical experiments performed on defenseless concentration camp inmates against their will; "euthanasia" carried out on the mentally defective, the physically sick, the aged, and ethnic and racial groups; and the murder of concentration camp inmates for the express purpose of collecting skulls and skeletons for the Anatomical Institute of the Reich University of Strassburg. The following medical experiments were conducted:

1. High altitude: to investigate effects of low pressure on persons.
2. Freezing: to test human resistance to extremely low temperatures.
3. Malaria: to develop controls over the recurring nature of the disease.
4. Mustard gas: part of a general research program in gas warfare.
5. Sulfanilamide: to test the efficacy of the drug in bone muscle and nerve regeneration and bone transplantation.
6. Seawater: to test methods of rendering seawater potable.
7. Epidemic jaundice: to develop an antitoxin against the disease.
8. Sterilization: to test techniques for preventing further propagation of the mentally and physically defective.
9. Typhus: to investigate the value of various vaccines.
10. Poison: to test the efficacy of certain poisons.
11. Incendiary bomb: to find better treatment for phosphorus burns.

The prosecution alleged and the judgment confirmed that these experiments were not isolated acts of individual doctors and scientists on their own responsibility but that they were the result of high-level policy and planning. They were carried out with particular brutality, often disregarding all established medical practice. Consequently, large numbers of the victims died in the course of or as a result of the experiments.

The euthanasia program was the direct result of a directive by Hitler of September 1, 1939. It resulted in the secret killing not only of aged, insane, incurably ill, and deformed German citizens in sanatoriums in Germany but also in the clandestine murder of foreign workers. The killing in gas chambers and by injections in the sanatoriums served as a proving ground for these forerunners of much larger installations in the mass extermination camps.

In addition to these experiments, over 100 concentration camp inmates were killed for the purpose of obtaining their skeletons. Their ghastly remains were found in Strassburg by Allied troops.

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The transcripts of the Brandt case include the indictments of the following 23 persons all of whom were physicians except defendants Rudolf Brandt, Viktor Brack, and Wolfram Sievers:

Karl Brandt: Personal physician to Adolf Hitler, Gruppenfuehrer in the SS and Generalleutnant (Major General) in the Waffen SS, Reichskommissar fuer Sanitaets- und Gesundheitswesen (Reich Commissioner for Health and Sanitation), and member of the Reichsforschungsrat (Reich Research Council).

Kurt Blome: Deputy [of the] Reichsgesundheitsfuehrer (Reich Health Leader) and Plenipotentiary for Cancer Research in the Reich Research Council.

Rudolf Brandt: Standartenfuehrer (Colonel) in the Allgemeine SS, Persoenlicher Referent von Himmler (Personal Administrative Officer to Reichsfuehrer SS Himmler), and Ministerial Counselor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

Joachim Mrugowsky: Oberfuehrer (Senior Colonel) in the Waffen SS, Oberster Hygieniker, Reichsarzt SS und Polizei (Chief Hygienist of the Reich Physician SS and Police), and Chef des Hygienischen Institutes der Waffen SS (Chief of the Hygienic Institute of the Waffen SS).

Helmut Poppendick: Oberfuehrer in the SS and Chef des Persoenlichen Stabes des Reichsarztes SS und Polizei (Chief of the Personal Staff of the Reich Physician SS and Police).

Wolfram Sievers: Standartenfuehrer in the SS, Reich Manager of the "Ahnenerbe" Society and Director of its Institut fuer Wehrwissenschaftliche Zweckforschung (Institute for Military Scientific Research), and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

Karl Genken: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS and Chef des Sanitaetsamts der Waffen SS (Chief of the Medical Department of the Waffen SS).

Karl Gebhardt: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS, personal physician to Reichsfuehrer SS Himmler, Oberster Kliniker, Reichsarzt SS und Polizei (Chief Surgeon of the Staff of the Reich Physician SS and Police), and President of the German Red Cross.

Viktor Brack: Oberfuehrer in the SS and Sturmbannfuehrer (Major) in the Waffen SS and Oberdienstleiter, Kanzlei des Fuehrers der NSDAP (Chief Administrative Officer in the Chancellery of the Fuehrer to the NSDAP).

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Waldemar Hoven: Hauptsturmfuehrer (Captain) in the Waffen SS and Chief Physician of the Buchenwald Concentration Camp.

Herta Oberheuser: Physician at the Ravensbrueck Concentration Camp and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Fritz Fischer: Sturmabannfuehrer in the Waffen SS and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Siegfried Handloser: Generaloberstabsarzt (Lieutenant General, Medical Service), Heeressanitätsinspekteur (Medical Inspector of the Army), and Chef des Wehrmachtsanitätswesens (Chief of the Medical Services of the Armed Forces).

Paul Rostock: Chief Surgeon of the Surgical Clinic in Berlin, Surgical Adviser to the Army, and Amtschef der Dienststelle Medizinische Wissenschaft und Forschung (Chief of the Office for Medical Science and Research) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

Oskar Schroeder: Generaloberstabsarzt; Chef des Stabes, Inspekteur des Luftwaffe-Sanitätswesens (Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe); and Chef des Sanitätswesens der Luftwaffe (Chief of the Medical Service of the Luftwaffe).

Hermann Becker-Freyseng: Stabsarzt in the Luftwaffe (Captain, Medical Service of the Air Force) and Chief of the Department for Aviation Medicine of the Medical Service of the Luftwaffe.

Georg August Weltz: Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service of the Air Force) and Chief of the Institut fuer Luftfahrtmedizin (Institute for Aviation Medicine) in Munich.

Wilhelm Beiglboeck: Consulting physician to the Luftwaffe.

Gerhard Rose: Generalarzt of the Luftwaffe (Brigadier General, Medical Service of the Air Force); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Adviser for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

Siegfried Ruff: Director of the Department for Aviation Medicine at the Deutsche Versuchsanstalt fuer Luftfahrt (German Experimental Institute for Aviation).

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Hans Wolfgang Romberg: Physician on the staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

Konrad Schaefer: Physician on the staff of the Institute for Aviation Medicine in Berlin.

Adolf Pokorny: Physician, specialist in skin and venereal diseases.

The indictment consisted of four counts. Count one charged participation in a common design or conspiracy to commit war crimes or crimes against humanity. The ruling of the tribunal disregarded this count, hence no defendant was found guilty of the crime charged in count one. Count two was concerned with war crimes and count three, with crimes against humanity. Fifteen defendants were found guilty, and eight were acquitted on these two counts. Ten defendants were charged under count four with membership in a criminal organization and were found guilty.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, which acquitted 7 of the 23 defendants (Blome, Pokorny, Romberg, Rostock, Ruff, Schaefer, and Weitz). Death sentences were imposed on defendants Brack, Karl Brandt, Rudolf Brandt, Hoven, Gebhardt, Mrugowsky, and Sievers, and life imprisonment on Fischer, Genzken, Handloser, Rose, and Schroeder; varying terms of years were given to defendants Becker-Freyseng, Beiglboeck, Oberheuser, and Poppendick.

The English-language transcript volumes are arranged numerically, 1-30; pagination is continuous, 1-11538. The German-language transcript volumes are numbered 1a-30a and paginated 1-11756. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Several hundred pages are added to the transcript volumes and given number plus letter designations, such as page number 1044a. Page 1 in volume 1 (English) is preceded by pages numbered 001-039, while the last page of volume 28 (English) is followed by pages numbered 1-48.

Of the many documents assembled for possible prosecution use, 570 were chosen for presentation as evidence before the tribunal. These consisted largely of orders, directives, and reports on medical experiments or the euthanasia program; several interrogation reports; affidavits; and excerpts from the *Reichsgesetzblatt* (the official gazette of Reich laws) as well as correspondence. A number

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of the medical reports were accompanied by series of photographs and charts of various experiments.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations or additional certificates. A few exhibits are original documents, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
301	NO-1314	410	NO-158
307	NO-120	441	NO-1730
309	NO-131	443	NO-890
310	NO-132	451	NO-732
357	1696 PS	462	NO-1424
362	628 PS	507	NO-365
368	NO-817	546	NO-3347
403	616 PS		

No certificate is attached to several exhibits, including exhibits 433, 435-439, 462, 559, and 561. Following exhibit 570 is a tribunal exhibit containing the interrogation of three citizens of the Netherlands. Number 494 was not assigned, and exhibit 519 is followed by 519a and 519b.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* excerpts, and other items. There are 901 exhibits for the defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, biased descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal. Pages 81-84 of prosecution document book 1 are missing. Books 12, 16, and 19 are followed by addenda. The document books consist largely of mimeographed pages.

The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas and defense answers to prosecution briefs follow a similar

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scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

The English-language final pleas, closing briefs, and replies to prosecution briefs of several defendants are missing, as are a few German-language closing briefs and replies to prosecution briefs.

At the beginning of roll 1 are filmed key documents from which Tribunal I derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of the members of Tribunal I and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the Brandt case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Milch case, M888, the List case, M893, the Greifelt case, M894, and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office: 1950-53), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

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John Mendelsohn wrote these introductory remarks and arranged the records for microfilming in collaboration with George Chalou.

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Roll 6

Target 1

Volume 13

Mar. 12-20, 1947

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 13**

**TRANSCRIPTS
(English)**

12-20 March 1947 pp. 4376-4788

Official transcript of the American Military
Tribunal I in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
12 March 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal I. Military Tribunal I
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants
are all present in court.

THE MARSHAL: May it please Your Honor, all defendants are present
in court with the exception of the defendant Oberheuser who is absent
due to illness.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in court save the defendant Oberheuser,
who is absent in the hospital on account of illness.

Counsel may proceed.

FRITZ FISCHER - Resumed

MR. BARRY: I have no further questions on cross-examination.

REDIRECT EXAMINATION

BY MR. SAIDL (Counsel for the defendant Fischer):

Q. Witness, assuming that in the year 1942 you had been condemned
to death for refusing to obey orders, would you then have given permis-
sion that an experiment should be carried out on you, if you were thereby
offered the chance to have your sentence commuted?

A. Yes, I would have taken this offer and chance.

Q. The experimental persons, on whom the experiments were carried
out, were members of the Polish resistance movement. They have admitted
that all here and also confirmed it in their affidavit. Consequently,
they were condemned to death. I ask you now, could you not assume at
the beginning of the experiments that these girls also would take ad-
vantage of the opportunity and would consent to the experiments, and that
they had to arrive at this conclusion, particularly if they made a

critical appraisal of their situation?

A. Yes, I assured that that was so at that time.

Q. The sulfonamide experiments were for the purpose of testing a certain series of preparations, as you described yesterday. Is it correct that one of these preparations was ultraseptil, developed by Dr. Marrell, Hitler's personal physician, and that this was a preparation that had not yet been used by field army physicians?

A. Yes, one of the preparations to be tested was ultraseptil. I did not know about that preparation at that time nor had I heard that it had been used by army physicians.

Q. Did you know that Professor Dr. Gebhardt was ordered by Hitler to treat Obergruppenführer Heydrich, chief of the RSHA, surgically, after the attempt on his life?

A. Yes, I knew that Gebhardt was absent from Hohenlychen in June and was attending Heydrich on his sickbed.

Q. You yesterday described the contents of the order that Professor Gebhardt gave you at the start of the sulfonamide experiments. Was it clear to you in this matter that the legal aspect of the problem, namely, the question of whether or not the experiments were permissible and who was competent to decide about them, lay not only entirely outside your competence but also outside Gebhardt's competence?

A. Yes, I was clearly told that this was an affair that had been legalized by the state and I had to assure that Professor Gebhardt also was not the person who legally had to decide on it.

MR. HARDY: I submit that we have gone over this same line of question time and time again and I object to this or questions of this sort.

THE PRESIDENT: The Tribunal is of the opinion that this matter has been gone into quite thoroughly on examination of counsel. It does not desire to restrict counsel's examination of the witness but repetition should be avoided.

MR. SEIDEL: Mr. President, I shall do my best to avoid repetitions.

BY DR. SEIDL:

Q. The witness Maske testified here and admitted that she could see the experimental subjects only superficially and relied largely on what others present, namely, the prisoners or the nurses, told her. It does not seem beyond the realm of possibility that it must have been impossible for Dr. Maske to achieve really a clear picture of the sickness and its course.

A. Yes, because the precise analysis of a case of illness is very difficult and unless you are in the immediate vicinity of that sickness it is almost impossible.

Q. You yesterday described or stated that you felt pity for the Polish girls on whom the experiments were carried out. Was not the decisive thing for both you and Dr. Getherdt the effort to save the lives of those persons which, with a few regrettable cases, you were successful in?

A. Yes, I know that professor Getherdt wished above all, and told me so frequently, that everything should be done to save the lives of those in danger.

Q According to the allegations of the Prosecution experiments were carried out on 74 Polish girls, of whom according to Prosecution's statement at least 61 lived. The Prosecution states subsequently six were shot for reasons that we do not know. Doesn't it follow from this that the responsible office, namely, the RSHA, kept its promises to Dr. Gebhardt?

A Yes, I have always been of the opinion that that was proof the assurance given Dr. Gebhardt was kept.

Q Is it true that Professor Gebhardt commissioned you to concern yourself only with the experimental subjects in the concentration camp Ravensbrueck and avoid any other contact with the camp?

A Yes, I received that precise and definite order from Dr. Gebhardt.

Q Professor Gebhardt himself went to Ravensbrueck a few times. Did he also observe this basic policy and not concern himself with what went on otherwise in the camp?

A Yes, that is so, so far as I was able to observe him, he only visited the room of the resilient physician and the sick bay.

Q Under these circumstances, therefore, it would have been impossible for you to concern yourself for instance with the work which the Polish prisoners did?

A That was quite out of the question.

Q Is it true that in 1943 Dr. Stumpfegger came to Hohenlychen with a special order from Himmler and was to that extent not under the medical supervision of Dr. Gebhardt?

A That was in 1942. Yes, Dr. Stumpfegger came at that time with a special order from Himmler, whose escort physician he was, to Hohenlychen, and informed Gebhardt about that.

Q The Prosecution spoke yesterday of the deliberate misleading on the part of Gebhardt, because he undertook a free transplantation, allegedly because of a case of cancer on a patient. Gebhardt in his direct examination only had a limited opportunity to testify regarding this, but it is true that the whole infection or swelling which had infected the whole arm, could only be treated if the operation was carried out, is that not so?

A I believe Professor Gebhardt stated that in his direct examination that this was a combined operation, which on the one hand was to remove the diseased tissue, supplemented by a second operation aimed at plastic restoration with functional aim, viz the restoration of the remaining joint, namely, for the purpose of saving the arm.

Q Is it correct that from the publications of Professor Lexer, who had in many cases successfully transplanted joints from one person to another, was it not true you could count on success?

A Yes, I know that Lexer in the Munich school had carried out transplantation of joints and parts of joints from one person to another, particularly immediately after the first world war, and that his operations were successful. On the basis of Lexer's opinion, whose pupil Gebhardt was, one could count on success, had to count on success.

Q Do you agree with me when I say that Professor Gebhardt would himself have checked on and published the results of such experiments and operations himself, if you had withdrawn at his requests and that in this case he would not have left it up to Stampfegger to give a report in the paper published by Veohelers & Gauerbruck about this work.

A So far as I know Gebhardt concerned himself with the work that lay within his own sphere of interest, he took into his own hands and directed personally, and that if these matters were published, he at least would have written a preface in the case of publication about such work.

Q After the lecture at the Military Medical Academy in May 1943, you returned to the front, to the Tenth SS Panzer Division "Frundsberg". In August 1943 you were in France. Is it true in August 1943 Gebhardt visited you and your Division in France?

A Yes, the Division expected at that time an Anglo-American invasion by land and air, and at that time August-September, I was called to Paris for a conference on military medical matters and there met Professor Gebhardt.

Q The experimental persons in the sulfonamide series were subsequently examined by you. When did the checking on them cease and what was the

diagnosis on them when you turned them back over to the camp physicians?

A For the most part the acute cases had been arrested and the wounds were healed. A few of them had inflammation of the nature of a boil, and very few had an infection which was of the nature of a camp phlegmone. There was no diagnosis of any case that might have been construed as endangering the life or limbs of the patient at the time that I left the camp and turned the patients over to the camp physicians.

Q In the summer, and especially August of 1943, you were in France, and Professor Gebhardt was there also. If now a Polish prisoner, who apparently was operated on in August 1943 in the bunker there by other physicians still suffered a bone marrow infection, I should draw the conclusion that this was nothing that bore any connection with your sulfonamide experiments?

A I am of the same opinion.

Q The Prosecutor asked you yesterday why cosmetic operations were not carried out on the experimental subjects in order to improve their appearance? When is the earliest date at which such an operation could have been carried out, and were there still possibilities at that time either in Hohenlychen or anywhere in Germany of carrying out such cosmetic operations?

A I have already said that the school at Hohenlychen represented the principle that before a lapse of at least two years after the operation no plastic or cosmetic operation should take place, because otherwise there is always the danger that the inflammation reappears and thus endangers again the individual. On the basis of this, therefore, a plastic or cosmetic operation could not have been carried out before the end of 1944. At this time in Hohenlychen most assuredly no plastic operations were carried out in Hohenlychen because at that time the whole of Germany was aflame, and all clinics, especially our clinic, were overcrowded with patients in need of surgical care. Plastic or cosmetic operations were certainly not carried out at that time.

Q One last question. The Prosecutor asked you yesterday whether you would have obeyed Professor Gebhardt's order, even then if the object of the

order was to carry out such an experiment on Dr. Oberhauser, and you then said that you could not answer that question. Should you not, however, attempt to give some reasonable answer to that question?

A. If I make an effort to answer that question, I must point out the essential and decisive differences. In my opinion, the decisive thing, aside from the fact it was an order, was the fact that my motive was that of helping wounded persons, and secondarily, the belief that the persons on whom experiments were to be carried out had been condemned to death. I have already discussed the difficulties embraced in the psychological situation in which one can find oneself, and I can say in addition only that it is asked of soldiers for instance that, let us say, he must shoot at his own home towns, and he carries out this order in the belief of a higher authority on the part of the State and sees in that higher authority his basis and security. These two factors, the belief in the ethical motive, regarding the helping of wounded persons, secondly, the fact that the State sanctioned this order legally, and, thirdly, that the experiments were to be carried out on persons who had been condemned to death and should now be given a humane chance to save their lives, I believe these three points give an adequate answer to that question.

Q So the decisive difference lies in the fact that Dr. Oberhauser was not at that time condemned to death?

A Yes.

A I have no further questions to the witness.

DR. NELTE FOR HANDLOSER:

Q Dr. Fisher, Mr. Hardy yesterday discussed with you the question whether the Wehrmacht, and this means in this case Chief of the Medical Inspection Handloser, had any connection with the experiments in Ravensbrueck. The Prosecution tried to prove that the Wehrmacht was concerned in these sulfonamide experiments. You were asked what your opinion of this problem was from a military point of view. And, as I remember it, I don't have the record before me, you answered that you considered this sulfonamide matter an important problem for the Wehrmacht. Is it correct that you said that?

A Dr. Nelte, I cannot remember the exact sentence but that is what I said substantially.

Q The truthness of this statement no one will deny, but if you look at this statement without the context isolated, it could be misunderstood. Therefore, I ask you - was the sulfonamide experiment only a Wehrmacht problem?

A No, Dr. Nelte. It was not. It was a problem that affected medicine as a whole.

Q In other words, the situation was as follows:

In the acute state of the war particular stress was layed on particular aspects of the sulfonamide problem, but that sulfonamide research, as a whole, was a field that embraced both military and civilian life. Now, so far as the acute incentive is concerned that led to the experiments in Ravensbrueck you heard from Dr. Gebhardt when he testified as a witness how this order came to be given and what the motives for it were.

A Yes, I remember that.

Q The situation was that Professor Gebhardt said at one point, perhaps in summarizing, "The purpose of this order was that under no circumstances to suffer any unnecessary losses in the Waffen-SS." Thus, according to what Dr. Gebhardt said, the SS had a particular interest in this and this interest

was definitive and decisive. Is that the case?

A. I can only answer that to this extent - that what Dr. Gebhardt said to your question concerns only what Dr. Gebhardt said, is that not so?

Q. Yes, that is so but I wanted to make it clear that the general interest in this matter was military and civilian, but the actual incentive for Ravensbrueck experiments was interest on the part of Himmler?

A. Yes, according to what Gebhardt said, Himmler was interested on it.

Q. Dr. Gebhardt also said in the witness box clearly that the Wehrmacht was not concerned either in the origin of or the execution of these Ravensbrueck experiments. Can you answer that statement?

A. In order to answer that I must say I received from no Wehrmacht officer an order to carry out these experiments but only my superior General Gebhardt who was member of the Waffen-SS.

Q. Then, no department of the Wehrmacht interfered in your experiments in any way?

A. In my field of work no Wehrmacht officer turned up.

Q. Your own clarification of this error in your affidavit regarding the order I do not have to tell you. However, I should like to clarify one thing, namely, when was the order for the Ravensbrueck experiments given?

A. I cannot tell you the exact date but I can reconstruct the situation and believe it must have been on the 10th of July 1942. In any case 1942.

Q. At any rate in July of 1942?

A. Yes.

Q. Do you know when the office Chief of Medical Inspection was set up?

A. No, I do not know that.

Q. It was by an order of 28 July 1942. At that time, therefore, the Chief of the Medical Inspection could not have issued orders because he didn't exist at that time.

A. Yes, that is so.

Q. I have no further questions.

THE PRESIDENT: If there are no further questions to be propounded to the witness the defendant Fischer is excused as a witness and will resume his place

DR. SKIDL: Mr. President, the hearing of the defendant concludes my presentation of evidence in this case.

THE PRESIDENT: I understood from counsel yesterday that counsel had another document book containing documents to be admitted in evidence. Is that correct?

DR. SKIDL: Yes, that is so. The documents in the supplementary volume are a second document book for all three defendants whom I represent. As in the case of the first document book I shall present all of the documents under the heading "Gebhardt", but should like to retain the right to refer to these documents in the defense of my other defendants.

THE PRESIDENT: Will these further documents be offered when counsel presents the defense of the defendant Oberhauser?

DR. SKIDL: When the defendant Oberhauser in the course of two weeks can leave the hospital, or when at a later date she takes the stand, I shall at that time submit these documents.

THE PRESIDENT: The Tribunal understands and the documents may then, of course, be considered in counsel's defense of the defendants Gebhardt and Fischer also.

DR. SKIDL: Thank you.

THE PRESIDENT: Is the defendant Blome ready to present his defense?

DR. SAUTER FOR THE DEFENDANT BLOME:

DR. SAUTER: For the defendant Blome.

THE PRESIDENT: I probably misunderstood the translation. I thought the translator said Nolte for Blome.

DR. SAUTER: Sauter for the defendant Blome. That must have been a mistake. Sauter for Blome.

Mr. President, for the defendant Blome I have submitted a document book some time ago that contains documents number 1 to 8. I then in addition to this document book submitted two supplementary volumes, one number 9 to 14, and the little second containing 15 and 16. In other words, there are in toto only 16 documents. In these 16 documents are also included the affidavits of 9 witnesses. In other words of a large number of witnesses this

testimony is relatively brief - so brief that I could content myself with affidavits. I shall call only two witnesses to the stand in addition to

defendant Blome himself at the conclusion. The first witness whom I

to call was a certain Perwitschky but I cannot call him today because he has not yet been brought hither. I ask the right to submit an affidavit from this witness Perwitschky or to be permitted to call him to the witness stand as soon as he is brought here and is available. Now, before I go in with my case for the defendant Blome may I perhaps make a general suggestion. In the case of the Prosecution certain problems were treated that had previously not been part of Prosecution case. We defense counsel are not clear in our minds whether these additional problems which the Prosecution treated are to be made part of the Indictment or not. Consequently, we consider it expedient if the Prosecution makes soon a statement on this subject, namely whether and to what extent they are including these further problems in the charge against the defendant. Because, if that is not the case, then defense counsel do not need to concern ourselves with these further problems in our defense of the defendants. Perhaps it would be well if the Prosecution made a statement on this subject soon. It would also be well if another point were clarified, to wit: I believe that on the last day of the opening statement the Prosecution stated that it would at the right time state whether and to what extent a charge against one or another of the defendants would be dropped. I should be glad if this point, too, were soon clarified because if the Prosecution is going to drop one or another charge then we of the defense would not have to concern ourselves with it further and would save ourselves considerable time. In this case also perhaps it would be expedient if the Prosecution made a statement.

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DR. HARRY: May it please the Court, in connection with Dr. Sauter's concern about the experiments and various crimes outlined by the prosecution in its case in chief, which were not specifically referred to in the indictment, that it has been answered here by Mr. McHoney, and I direct the attention of Dr. Sauter to paragraph 3 of the indictment which states in the last sentence "Such experiments included but were not limited to the following:". The prosecution here has given him a bill of particulars in addition to an indictment, and now he is asking for more and there is no argument, as far as I can see, that we have not included in the indictment everything that has been presented here in the case in chief, and paragraph I believe, covers anything that we have presented. In regard to the dropping of charges on any of the defendants - I conferred with Dr. Sauter yesterday and I told him that I would take it up with Mr. McHoney and have a discussion of dropping charges perhaps against Dr. Bloch. I have not yet had an opportunity to see Mr. McHoney, but as my will be so, but, at present, I am inclined to feel that we will remain in the position that we are in regard to the defendant Bloch and wish that the defendant would produce his lines.

THE PR. SIDNEY: The Tribunal would suggest that the prosecution, as soon as convenient, determine its position in the matter and advise the Tribunal, but, meanwhile, defendant's counsel may proceed with his defense generally.

DR. SAUTER: Mr. President, I begin the case for the defendant by calling the witness, Dr. Herbert Kosmehl, with the permission of the Court, to the witness stand.

JUDGE SEBING: Is that Dr. Robert Kosmehl or Dr. Herbert Kosmehl?

DR. SAUTER: Dr. Herbert Kosmehl - H-E-R-B-E-R-T.

DR. HERBERT KOSMEHL; a witness, took the stand and testified as follows:

BY JUDGE SEBING:

Q. Hold up your right hand and be sworn, repeating after me the oath I swear by God, the Almighty and Omnipotent, that I will speak the truth and will withhold and add nothing.

C. 16 E

(The witness repeated the oath.)

JUDGE SEHRING: You may be seated.

BY MR. SAINT R:

Q. Witness, please state your full name.

A. Doctor of Law Herbert Knoemehl.

Q. How old are you?

A. Forty-four years old.

Q. You were last resident in Munich?

A. Stockdorf b/Gunding, in the neighborhood of Munich.

Q. You are a Doctor of Law, not a medical doctor?

A. Yes.

Q. You know Doctor Bloch?

A. Yes.

Q. How did you meet him?

A. In January 1934 I went to Berlin to the Reichs Anwaltschaft.

Q. Please wait a little moment the interpreter can keep up with you, witness. Please repeat the last sentence.

A. The German Anwaltschaft consisted, at that time of the Anwaltschaften and the so-called Hauptmann Bund. Dr. Bloch was, at that time, a member of the Physicians' Chamber in Wecklarburg and an Office Leader for the peoples health. Also chief of the Bund of the National Socialist Physicians' Union. In this capacity I made his acquaintance when he came to the Anwaltschaft.

Q. Doctor, what were you before you came to the Chamber of Physicians?

A. Previously, I was an assistant judge and, previously an advisor for the Landesbrandversicherungsanstalt (Country Fire Insurance Institute) at Wecklar.

Q. Then, in December 1933 Perhaps I may say something else first. Did you become a party member?

A. 1933, yes.

Q. You are now automatically under arrest?

Court I

A. Yes.

Q. Why?

A. I presume because I had a political rank, I never engaged in any political activity, since, as a legal advisor for the Ärzteschaft, I was not concerned with politics. If I nevertheless had a certain political rank, that was the wish of the Reich Physician Leader, Dr. Wagner, to whom it was very important that the interests of the German Physicians should be represented and upheld. When, in January 1934, I went to Munich, the German Ärzteschaft was not in a particularly favorable position because Reich Minister Hoss, in December 1933, in a large public gathering, spoken against the German Ärzteschaft and the German Lay Members. Dr. Wagner wished, with respect to the Party and other offices, under all circumstances to protect the great name of the German Ärzteschaft. In the Party there were many high leaders, Reichsleiter and Gauleiter, particularly Minister Hoss and Himmler, who had been trusted by the aforementioned Lay Members. It was important to him that I, as a lawyer, should, in my negotiations with governmental and Party offices, have no difficulties, because wherever we went there were representatives in uniform, with whom one had to state one's point of view. Dr. Wagner, at that time, saw to it that I was given a political rank.

Q. And that is why you are automatically under arrest now?

A. Yes.

Q. Dr. Kowalski, since the end of 1933 you were with the Doctors' organization which was first called the German League of Physicians and, later, the German Chamber of Physicians?

A. Yes.

Q. You always held this post until 1945?

A. April, 1945.

Q. Until the capitulation?

A. Yes.

Q. What were your duties as referent (expert) of the Reich Chamber of Physicians?

A. First, to give them legal advice and to give information to individual physicians if they wished it. Then in the main I had to deal with complaints that came from all segments of the population regarding bad conditions in hygiene in general, or the state of general health. Since the leader of the Physicians at that time, Dr. Wagner, also occupied party offices, the main Office for the Peoples' Health and the N.S. Doctors' League, I, as a lawyer, also had to take care of such matters, and such complaints as came from the population to the party. These tasks often overlapped those of the former, because Wagner had both offices. This was an honorary position and without remuneration, I worked on these things also.

Q. If I understand you correctly, then, Dr. Koeschl, you said there were two organizations. One was the Reich Chamber of Physicians and the other organization was the Main Office for Public Health?

A. Yes.

Q. The latter organization, the so-called Main Office for Public Health was a Party organization, and the Reich Chamber of Physicians ...?

A. Was an organization that represented the German doctors' profession.

Q. Was it a party organization?

A. It was an organization that had no connection with the party but was a professional representative of two great doctors' organizations.

Q. It was an independent legal entity?

A. Yes, that was the case since 1936, after, in December 1935, it was decided regarding the formation of the Reich Chamber of Physicians.

Q. Dr. Koeschl, in all the affairs of the Reich Chamber of Physicians on the one hand, and the Main Office for Public Health on the other hand, did you as legal adviser of the two organizations, know about all their affairs?

A. I can say that I was perfectly acquainted with both the party organization and the other.

Q. And is it true that in both organizations you worked together with the Defendant Dr. Blome?

Q. That is not entirely correct. In the first period I had more to do with the Reichsaerzte Fuehrer, Dr. Wagner, and the Munich Medical Society than I had to do with Dr. Blome, who at that time was still in Kocklenburg. It was only much later that Dr. Blome entered the Reich Physicians Leadership itself, roughly 1935 or 1936. Therefore I had seen him in the course of the years at doctors' meetings or saw him if he was on official business in Munich.

Q. But then from 1935 or 1936 on how was it then? How was the relation between you and Dr. Blome then?

A. Very early we made friends at conferences and in other official contacts. Our relations were very good and friendly.

Q. Is it true that from 1935 or 1936 on at least, you had a great deal to do with Dr. Blome officially?

A. In 1935 and 1936, no, but only when Blome was commissioned by Dr. Wagner with a special order to reconstruct the medical further instruction. It was then he came into the Reichsaerzteschaft. That was in 1936-37. Dr. Blome then came to Munich rather often and in particular after the death of Wagner I worked with him very often.

Q. Witness, you are speaking of the Reichsaerzte Fuehrer (Reich Physicians) Dr. Wagner. Here in the trial we have almost always heard Dr. Conti. How about that?

A. Dr. Wagner, the first Reich Physician Leader, died in March of 1937. At that time Dr. Conti became his successor. Originally Dr. Blome was to be his successor and all preparations had been made for that; but after Dr. Wagner was buried he was told that he should.....

Q. Witness, I don't think that is very important.

A. Well it is important to the extent that it throws a clear light on the relations between Conti and Blome. At the last moment Hitler, for political reasons, had to leave Munich and go to Weimar. In the meantime various party organizations, the SS, the SA, etc., strove for this post of Reich Physician Leader and each organization wanted to get its own man.

that position. So it happened that Hitler was pressed from all sides to choose such and such an organization's man. He decided consequently and suddenly, not to appoint any of the proposed successors for Dr. Wagner but to appoint Dr. Conti because he was an old P.G. with the gold honorary medal and was known as the doctor who had treated Ernst Wessel.

Q. And so you say Dr. Conti became the successor of Dr. Wagner as Reich Physician Leader. What became of Dr. Blome?

A. The party was altogether in favor of the line that Dr. Wagner had pursued, the policy he had pursued, whereas Dr. Conti was not so well liked. If possible they wanted to continue in the tradition as established by Dr. Wagner; consequently they thought they could not do so in any better way than by appointing Dr. Blome as deputy for Dr. Conti, as he had belonged to the inner circle around Dr. Wagner. For that reason, by a specific order on the part of Hitler, he was appointed as deputy, something which was in itself not the usual course.

Q. Dr. Koenig, we will later deal with the question to what extent the Defendant Dr. Blome knew of the business done by Dr. Conti. But first I ask you another question so that the competencies are clarified. Can you, as a jurist, tell us exactly what the functions of the Reich Leader of Physicians, Dr. Conti, were? And when you tell us that, please say in what function Dr. Blome was represented by the Defendant Dr. Blome, so that we can see the competency clearly, and also the responsibility.

A. For someone who does not know the general situation among German Physicians, it is difficult to explain this. Dr. Conti became Reich Physician Leader. That was his title. That was the designation which, as the leader of the Reich Office for Public Health and of the U.S. Physicians' League, was used to include these titles, these functions. As Reich Physician Leader he was part of the Reich Chamber of Physicians. In these two capacities Dr. Blome represented Dr. Conti. Over and above that Dr. Conti was also Staatssekretär (State Secretary) in the Reich Ministry of the Interior, in other words, leader of the Health Department of the Governmental Health Service. In this capacity Dr. Blome did not represent Dr. Conti.

He had nothing to do with the Governmental Health Service and later after August 1942 the defendant, Dr. Brandt, became Reichs Commissioner for Public Health. Dr. Conti also became chief of the Civilian Health Service under Dr. Brandt. In this capacity also, Dr. Blom did not see Dr. Conti.

Q If I have understood you correctly, Dr. Blom represented Dr. Conti in the Reichs Chamber of Physicians and secondly in the Main Office for Public Health?

A That is correct.

Q But not in the State Health Administration as State Secretary?

A That is correct.

Q Now, I come to a concrete point, Dr. Komohl, the defendant Dr. Blom is under indictment in the question of Euthanasia; you know what is meant by Euthanasia.

A Yes, I do.

Q Did you learn that in the Third Reich during the second World War there was a certain Euthanasia program carried out?

A Of the Euthanasia program on the part of the German Reich, I heard only in the course of this trial; theretofore I had know nothing of it. Personally concerned myself with the question of Euthanasia, I read a book on the subject entitled: "Thou Shalt Not Kill," the author of which was in favor of Euthanasia. As far as I know, Dr. Blom also treated on this subject in his book entitled: "The Physician in combat and his attitude towards Euthanasia without a legal basis. During the war and as time went on, I believe during the first years of the war individual complaints were brought to me in my official capacity, complaints from members from the people who had relatives in German Mental Institutions and they told me that they had heard that their relatives while being transported from one institution to another had died. These individual complaints stated that they doubted whether the death was natural. It was requested of the Reichs Physician Leadership that the true cause of death should be checked into. I, who had to deal with such complaints,

had, as I said, no notion of a Euthanasia program and had heard nothing of it. I had first therefore assumed that this perhaps was based on foreign radio propaganda or something of that sort. For this reason I submitted these individual cases to the office of the Deputy of the Fuehrer, namely Haas, with request that they should be investigated.

Q Dr. Komohl, you say that during the war you received various complaints in this field; to whom were these complaints addressed, were they addressed to you personally or to Dr. Blum or to some

one; please tell us.

A Alright; the complaints there were only two or three, no more. The letters complaining I would say were addressed to the Reich Physician Chamber or to the Main Office for Public Health, today I cannot say for sure which one, but it was one or the other.

Q Then as the jurisdictional expert, I presume you were given these letters?

A Yes, they were in my sphere of competence and I received them to work on personally like all such things.

Q Well, did the Reichs Chamber of Physicians or the Main Office for Public Health, that is this party agency, did these two organizations have anything whatsoever to do with the Euthanasia program? Just a moment, Doctor, - am asking you this to clear up, to determine why the complaints were sent to these offices.

A No, neither the Reichs Chamber of Physicians nor the Main Office for Public Health was concerned in this program in any way at all; I already stated that when I said before that the Euthanasia program of the German Reich was entirely unknown to me. If nevertheless these complainants turned to these organizations, the Reichs Chamber of Physicians and the Main Office for Public Health, I can only assume that they believed that the Reich Physicians Leadership must something about such events; on the other hand, they turned to these organizations specifically because a few years prior to that, when the law regarding hereditary diseases was passed many persons turned to these two organizations with complaints in cases which did not fall

for certain under the terms of that law. For instances, cases in which the person was not actually mentally ill, but a marginal case. Then Dr. Wagner, Dr. Reich's physician's leader at that time, who in contra-distinction to the State Health Service, was greatly concerned that this law should not be broadly construed, as the state was overdoing it, but more narrowly construed and only those should be sterilized or treated in his opinion whom the law was actually designed to cover. Consequently, he took up these complaints and investigated them. He ascertained at that time that often the failure to answer a so-called intelligence questionnaire was enough for the governmental authorities to persuade them that the person was mentally ill, and to make them suggest sterilization. As Dr. Wagner himself said, this intelligence questionnaire contained matters, which even for a trained persons, would have been very difficult and that it was quite impossible to answer several of those questions in the questionnaire on the spur of a moment. He stated his personal opinion on this matter; that the law as being administered and construed too broadly; he stated this to Hess and Hitler personally and so brought it about that he and his office should be appointed to investigate the excesses being committed in the name of this law.

Q. Dr. Kommerl, then if I understand you correctly; you read.....

THE PRESIDENT: May I interrupt you for a moment; the Tribunal will recess at this time for a few moments.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

Q Witness, you said before that various complaints about the Euthanasia question were received by the Reich Chamber of Physicians. You were given this kind of complaint and you passed them on to the Party Chancellery. I am interested in finding out why you passed them on to the Party Chancellery. Why did you just send them on to this office?

A The Party Chancellery was competent for all complaints that arose from the State or Party circles or from the population. Since I was not competent in the matter of Euthanasia in the main office for Public Health or the Reichs Physician Chamber, I transmitted these complaints to the Party Chancellery because there was the opportunity to stress these complaints on the spot through the Party.

Q Witness, did you talk to your chief, Dr. Conti, or his deputy, Dr. Blome, about these complaints concerning Euthanasia?

A I believe I did talk to Blome about them.

Q Do you know what Blome's position was at that time, what his attitude was?

A So far as I can remember, I asked him if he knew anything about these matters or whether there is anything to it. I also found out he knew no more about these matters than I did. At that time he knew nothing of Euthanasia program of the German Reich.

Q If you sent such complaints you received on to the Party Chancellery, did you get any answer from the Party Chancellery or did you learn anything about what was being done about such complaints?

A I worked during the course of the years very often with the Party Chancellery with such matters, and in general I received some statements regarding what became of the complaints, concerning these few complaints about Euthanasia, I heard, however, nothing from the Party Chancellery.

Q You got no answer?

A That is right.

Q Can you remember whether the Reich Chamber of Physicians or the Main Office for Public Health issued any orders or instructions concerning

the Euthanasia program to the subordinate agencies, or whether the Reich Chamber of Physicians received any orders or reports or statistics about the Euthanasia program from any superior agency from above?

A In the course of our business I never saw anything similar to this nor did I pass on any instructions or orders in this matter.

Dr. Kosmehl, did you perhaps talk to other experts or other employees of the Reich Chamber of Physicians, and did you learn from them that Dr. Blome had something to do with Euthanasia questions?

A During lunch time we spoke about all sorts of things but I cannot recall that any single word was said about Dr. Blome and about Euthanasia in this connection.

Q Dr. Kosmehl, did you ever learn that your former chief, Dr. Gerhard Wagner, that is the predecessor of Dr. Conti, was supposed to have prohibited any talk about this problem? Do you know anything about that?

A Yes, I know about that; that at a conference of the leaders of the Physicians Chamber in 1934 or 1935, the Chief of the Physicians Chamber, in Sachsen, tried to bring up this subject at the conference and spoke in favor of the Euthanasia Program. Dr. Wagner did not let him speak, he interrupted him immediately with the specific instructions that there was to be no discussion of this question. It was forbidden by Hitler, and was not yet ready to be discussed openly. Consequently it was not discussed.

Q Dr. Kosmehl, we know from the evidence given during this trial that Dr. Conti had a very important position in the Euthanasia program, and, therefore, I should like to hear from you something about the relationship between Dr. Conti and his deputy, Dr. Blome. Was that relationship such that one could assume that Dr. Conti informed his deputy of all details, or was it such that one could assume that Dr. Conti had private contact also with his deputy and discussed everything with him, and what do you know about this from your own observation?

A First of all, I did not know that Dr. Conti had any role in the Euthanasia program. If that was the case, then that could only be possible

In his capacity as State Secretary in the Reich Ministry of the Interior, because that is the Ministry which was competent for these legal questions. However, in this field, Dr. Blome did not represent Dr. Conti. Insofar as the relationship between Dr. Blome and Dr. Conti are concerned I can only say that the relationship between them from the very beginning was definite poor. Consequently at the beginning of my testimony I stated that really Dr. Blome had been intended to take the position of Dr. Conti. Dr. Conti was a very ambitious person, hungry for power, also very distrustful of his fellow men, and was prejudiced against Dr. Blome from the very beginning. Neither of the two understood the other at the time they had equivalent offices in the Physicians Chamber; Dr. Conti had the same position in Berlin that Dr. Blome had in Mecklenburg, viz., baunstsleiter, now, Conti became the Chief, and Blome, against his will, became his deputy. Conti never would have made Blome his deputy on his own initiative.

A Also they were totally different in personality and philosophy. Dr. Conti was a fanatic opponent to the indulgence in alcohol and nicotine whereas Dr. Blome took a moderate attitude toward such indulgence. Dr. Conti was very ambitious and distrusted even his closest collaborators, particularly Dr. Blome. Dr. Blome on the other hand liked to pursue the correct path in all matters, to speak frankly and was above all not ambitious, and consequently did not undertake jobs which were not within his competence, that which Dr. Conti would do, and in general he was more tolerant and moderate. He had an open heart toward all of his co-workers and subordinates.

Q Dr. Komehl, if I understand you correctly you assume that the relationship between Dr. Conti and Dr. Blome was so tense one cannot assume that Dr. Conti informed his deputy, Dr. Blome, of everything? Can you say yes or no?

A I can absolutely answer this by saying that Dr. Conti not only did not work well together with Dr. Blome, but deliberately refrained from informing him on all important matters.

Q Dr. Komehl, I should like to ask one last question on the subject of euthanasia. Now on the basis of the trial we know that the execution of the euthanasia program was in the hands of the antsaerste and directors of the insane asylums. Will you please tell us were these official doctors and directors of the insane asylums under the Reich Chamber of Physicians and the disciplinary power of this organization, or were they not?

A The SS physicians and SA physicians and physicians of the Reich Labor Service, the official doctors (Antsaerste) were not under the disciplinary power of the Reich Chamber of Physicians. They were subordinate to special state disciplinary jurisdiction or to various organizations of the party, the official doctors were subordinate to the Reich Chamber of Physicians only if in addition to their official activities, they had a private practice of their own, and that was in individual cases possible and then if they committed any offense against the rules and regulations in their private practice then the Reich Chamber of Physicians with

approval of the competent office could take disciplinary action against them, otherwise not.

Q Then you say that the Antsaezte dealing with the euthanasia program were not under the Reich Chamber of Physicians and Dr. Blome. If these doctors received any instructions on statistics and so forth, did they get them from Dr. Blome or through the State Health Administration with which Dr. Blome had nothing to do?

A In general we did not receive such instructions at all from the Reich Chamber of Physicians or the main office for public health. We had nothing to do with German Health politics.

Q Doctor, I asked you whether the Antsaezte got their instructions and reports through the Reich Chamber of Physicians or whether they got it through the State Health authorities?

A I misunderstood the question. The Antsaezte received the orders directly from the State, from the Reich Ministry of the Interior, not from us. The Reich Chamber of Physicians was simply under the supervision of the Reich Ministry of the Interior but had nothing to do with it actually.

Q And if these public officials of the medical administration, the Antsaezte and heads of the insane asylums, sent reports in, then the Reich Chamber of Physicians did not see these reports?

A Under no circumstances did the reports of the Antsaezte go through the Reich Chamber of Physicians. Such reports went to their superiors, along the official channels to the ministry of the interior.

Q Dr. Kosmehl, in connection with your description of the relationship between Dr. Conti and Dr. Blome, I am interested in one other thing, because we have heard an expert who made several disguised charges against Dr. Blome, and made Dr. Blome responsible for conditions in the medical profession, in particular, the elimination of Jewish doctors step by step from practice, did Dr. Blome have any part in these measures? I am referring to the limitations imposed on the Jewish doctors, and then the regulations, they had to use the name Israel, and they had to wear the Star of David, and so forth. Were these orders of the Reich Chamber

of physicians and did Dr. Blome have anything to do with them, and if so, how?

A Dr. Blome did not have any part in these things. Also measures on the part of the Reich Chamber of Physicians or the office for public health were not taken against Jews. After Gustloff was murdered in Switzerland and von Rath in Paris, reprisal measures were introduced against Jews and also measures to eliminate Jewish doctors. The Reich Doctor, rather Dr. Conti, was commissioned at that time to carry out the necessary regulations in this field, and he commissioned in turn not Dr. Blome, but a certain Dr. Grothe in Berlin, who was the leader of the Kaiserlich-ärztlichen Vereinigung of Germany, an independent organization for panel doctors within the Reich Chamber of Physicians, which advised the German population, so far as they were subject to social security, and among the population the Jews also. Dr. Grothe at that time carried out these measures on orders from Dr. Conti, and I can remember that the Reich Chamber of Physicians in Munich, and thus also Dr. Blome, like all referents in Munich, received these orders as an accomplished fact but in working them out Dr. Blome was not in any way involved.

Q Do you know, Dr. Kosmehl, where these regulations originated, these restrictions on the Jewish doctors, and at a later time the exclusion of Jewish doctors from practice, the regulations about the name Israel, the Star of David and so forth?

A As far as I know these measures originated with a government office and not from the organization of the doctors themselves, but not only to the doctors but to the whole of the national economy.

Q Then, in other words, the Reich Chamber of Physicians was an executive organ?

A As I just said the Reich Chamber of Physicians had nothing to do with these things, but simply was the Physicians' Union in Germany, and because it had to do with social security it was the executive office for carrying out these measures, and perhaps Dr. Conti suggested Dr. Grothe as leader since he seemed a particularly good person to carry them out.

There was a directive at the Reich Chamber of Physicians that had a permanent deputy and that he occasionally can give someone a special assignment, and that was the case here just as earlier Dr. Grothe became the leader of the public office of the Chamber of Physicians in Berlin. Also in other cases this pattern was pursued.

Q Dr. Kosmehl, do you know that in the course of years the relations between Dr. Blome and the Reich leader of physicians, Dr. Conti, became so tense that at the end Dr. Blome even spoke at public meetings of doctors against the plans of Dr. Conti? And, when was this?

A I, in the course of the years the relationship between Drs. Conti and Blome became worse and worse. The reason for this was that, aside from personality differences, they differed in their opinion on basic matters. Dr. Blome was interested in the removal of physicians in general from the influence of the party, to keep physicians clear of politics altogether. Whereas, Conti construed his office as Chief Health Officer as purely political. Thus already in 1941 Dr. Conti, for personal advantages made a compromise with Dr. Ley, who at that time was planning a health program for the whole German people. In this it was provided that all Germans, not only workers, also those privately insured, should be brought under a unified national insurance program. And, in connection with this, of course, private insurance should cease to exist so that it would not be possible to choose the physician one wanted freely. Now, of course, all these matters affected the German physicians very intimately. Dr. Blome objected and opposed energetically these plans of Dr. Conti. They quarreled not only on this matter, but turned to the Party Chancellery for assistance, and Dr. Blome did receive assistance from the Party Chancellery in his opposition to Conti's plans and Dr. Ley's plans. At that time Dr. Blome was commissioned by Bormann, perhaps without Conti's knowledge, to work against these plans, and Blome worked so with the jurists in the Party Chancellery. Blome also called public meetings of German physicians, and there openly opposed these plans for the socialization of medicine, for making physicians officials in the group, and so on. It was also planned in this program to appoint a number of physicians for a certain number of Germans and to give them official positions. Blome, as I say, brought these matters up in public meetings, and I attended one in Munich and saw with what enthusiasm most of the German physicians greeted Dr. Blome's remarks, seeing him as a representative of their interests.

I know also that because of these open meetings Dr. Blome had great troubles with Dr. Ley, who did not want Blome to interfere openly in these matters. Blome was forced by Ley at that time to break off his plan for public meetings which he had planned for many large cities and already spoken in Hamburg and Duesseldorf. Because of these meetings Dr. Ley wanted to bring Blome before a Party Court, charging him with carrying on activities prejudicial to the Party. But, because of Dr. Bormann's intercession this proceedings was dropped.

Q Witness, you said that Dr. Blome approached the Party Chancery for support in his battle for the free selection of the physician. That is, the right for every patient to call in the doctor he wishes, and also in his struggle against socialization of the medical profession. Now, did you learn that thereupon that Dr. Conti gave an

order that Dr. Blome should no longer go to higher Party agencies to the Ministry for information and couldn't report undesirable conditions?

A. Yes, I know that. This was in about 1942 or 1943; then Dr. Conti issued an order that all the specialists in his office in Munich and Berlin, according to which it was forbidden for an expert or a specialist to turn directly to a Reich Minister, Reichsleiter, or a Gauleiter. Included under this order was also Dr. Blome as his Deputy. Whereas such orders had not previously been issued to German physicians. And Dr. Wagner, on the contrary let his physicians do what they wanted. This measure of Dr. Conti's surprised everyone, because it included Dr. Blome who was his deputy. We, in Munich at least often discussed this, and all had the impression that this measure was mainly aimed at eliminating more and more Dr. Blome.

Q. Then apparently you assume, if I may draw the conclusion from your testimony, that one cannot believe that Dr. Conti informed his deputy of his own knowledge in all cases, especially let us say in questions dealing with the Euthanasian program.

A. I am sure that Conti did not do that. It was part of his whole nature that he kept such things to himself. It is also to be assumed that Dr. Blome was not informed of these important things because Conti feared Dr. Blome's competition. In this context I must mention one other thing, which puts Dr. Conti's mistrust toward Dr. Blome into proper light. When Dr. Blome frequently objected to Dr. Conti because he was not consulted in important matters, Dr. Blome then withdrew rather from political activities. This was at the end of 1941 or it might have been 1942. Dr. Blome moved from Berlin to Munich in order to devote himself solely to tasks that concerned the interest of German physicians, that is, first of all, matters concerning the Reich Committee of Physicians and to devote himself to cancer research. It was particularly noticeable to all his associates in Munich, that at the same time Blome moved to Munich, Dr. Conti transferred two physicians from Berlin

to Munich was enjoyed his particular confidences. These were Dr. Hochrs and Dr. Schuetz.

Q. Dr. Hochrs and Dr. Schuetz?

A. That's right. The latter had connections with the Gestapo within the scope of the main office for Public Health under Dr. Conti. We noticed that every week packages with mail came to these two gentlemen in unusual manner from Berlin at Conti's office, and these were either sent by courier or in special envelopes on which was printed - Dr. Hochrs. These were important matters of official business which were sent to Munich from Conti's office in Berlin to be worked on; whereas it was otherwise customary that all mail went through the official mail channels of the two organizations, namely, the Reich Chamber of Physicians and main office for Public Health and then given to the specialists to whom it was addressed, so far as it was not secret or confidential matter. In this case with these special envelopes this was not the case. These two workers also led us other associates to believe that it was their particular job to supervise the offices in Munich, and to isolate Dr. Bloch from all important occurrences and so far as I can judge they were largely successful in this.

Thus I remember a case which concerned the reformation of German social security, in other words, a field in which German physicians were most intensely interested. In a matter so important as this, Dr. Conti stated his position in Berlin to the Reich Ministry of Labor and to the Party leader without saying a word about this to his Deputy, Dr. Blome. This occurred like the previous ones, led to a fight between the two men. Dr. Blome, as I know from hearing it from him himself, expressed himself not only to Dr. Bormann in the Party Chancellery and put all his offices at their disposal. Under these conditions he did not want to carry on any further official activity. In other words, he wanted to resign. Neither Dr. Conti nor Bormann accepted his resignation on the grounds that this was war time and that everyone should remain at his post and do what he was assigned.

Q Dr. Kossahl, do you know that Dr. Conti went so far as to issue written instructions to the personnel of the Reich Chamber of Physicians saying that Dr. Blome was to deal only with unimportant things - that all important matters were under Dr. Conti himself?

A I know of such an order. I saw a memorandum of Dr. Conti's personally. It was specifically mentioned in this memorandum to Dr. Blome, that Dr. Conti reserved for himself all important matters and that Dr. Blome was to deal only with incidental and unimportant matters himself. On the occasion of this memorandum, Dr. Blome repeatedly said to us, his associates in Munich, that this was enough for him, that he no longer wanted to work under these conditions. He wanted to return to his private practice, or devote himself to cancer research exclusively. He was so serious in this intention that we had no doubt that he would carry it out. We specialists in Munich, who belonged to his inner circle of friends, then tried to persuade Dr. Blome that this was impossible. We pointed out to him that he would be betraying German physicians if he withdrew when Dr. Conti was not concerning himself in the interests of German physicians at all. It was an open secret that Dr. Conti, as Reich Health Leader, paid more attention to German midwives - his mother was leader of them - than he did to German physicians. Dr. Blome had an open mind in this matter,

so remained in his official capacity.

Q Dr. Koschik, do you know that Dr. Conti repeatedly attempted to have Dr. Blome eliminated completely from his offices? If I am not mistaken this was with the aid of a certain Dr. Kaufmann. What do you know about this?

A That is correct. I have already said that the relationship between these two men got worse from year to year. After Dr. Blome ceased concern himself with political matters altogether - as early as 1940 - he went on cancer research very deeply, and later devoted himself to tuberculosis and wrote scientific papers in these fields which were written for the State and Party offices. He pointed out to the Party that these two sicknesses cost more human lives than any other diseases, and he wanted to inaugurate, with the help of scientific research, a movement to assist people sick with these diseases. He also informed Dr. Conti of what he was planning because I presumed that Conti would leave him a free hand in this; but when Dr. Conti saw this material he interfered immediately and forbade Dr. Blome to send these papers, that he had written, to Hitler or to Party offices. He asked him to give these papers to himself Dr. Conti, so that Dr. Conti could transmit them signed with his name and give them to Hitler. It is understandable that Dr. Blome objected to this. On the other hand, it was in the very nature of Dr. Conti that he answered that in political spheres he had had success in various different branches, and it was obvious that he wanted to take all the work of Dr. Blome's. Dr. Blome then, in opposition to Conti's instruction, showed his paper to Dr. Hermann with the request that it be transmitted to Hitler and informed Dr. Conti of what he had done afterwards through a messenger. In order to eliminate Dr. Blome, Dr. Conti had earlier taken a German doctor from Steyermark; namely, Dr. Kaufmann, with him to Berlin as his personal advisor, particularly in the important matter of Dr. Ley's health. Dr. Kaufmann was to be his advisor in this matter and Dr. Kaufmann was able, in course of years, to gain Dr. Conti's complete confidence, and he exercised his influence in all fields and ruled Dr. Conti, in all these fields. At the end of 1943, or the beginning of 1944, Dr. Conti gave a regulation to all collaborators in Munich and Berlin in which it was stated that all important matters should

first be submitted to Dr. Kaufmann, and, only via Kaufmann, should they proceed to the individual specialists. It was specifically emphasized here that Dr. Conti's two deputies - Dr. Blase for the Reich Chamber of Physicians and the Office for Public Health, and, on the other hand, Dr. Grothe as the leader of the Kassenärztliche Vereinigung Deutschlands (German social security) - not exempt from this measure. This measure on the part of Dr. Conti aroused the protest of both Dr. Blase and Dr. Grothe; and, in this connection, Dr. Blase turned to the Party Chancellery for support, and was successful. So far as this broad interpretation of Kaufmann's plenipotentiary powers was concerned, limited. But so far as practical purposes were concerned, he retained the power he had had.

THE PRESIDENT: The Tribunal will now be in recess until 1:30.

(A recess was taken until 1330 hours, 12 March 1947)

• Court I

THE COURT: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

HERBERT FOSTER - Resumed

DIRECT EXAMINATION - Continued.

BY DR. SAFF: (Counsel for the Defendant Bloch:)

A. Dr. Kessel, before the noon recess you were speaking of the relationship between Dr. Conti and Dr. Bloch. This was necessary so that the court will be able to judge whether one can assume that Dr. Conti informed his deputy of all details, for example, concerning euthanasia, as you told us that Dr. Bloch reportedly offered his resignation but that it was not accepted. Now I would like to know the relation, if the relationship between these two was as before you were described it; then can you say why Dr. Conti did not simply dismiss Dr. Bloch, as that could have been done? Dr. Kessel, for example, when you were asked:

A. I am dealing now with the question I spoke of this morning, when I spoke of Conti's being called to Reich's death leader and Dr. Bloch as his assistant. At that time, as I said, Dr. Bloch was explicitly named Dr. Conti's deputy because it was wise to do so. Dr. Bloch, as established by Dr. Kessel, would be carried on by Dr. Bloch. It was not then Dr. Conti's power to appoint his own deputy, nor could he fire his deputy on his own although he certainly would have liked to.

Q. Then you think that was the reason why Dr. Conti had to adjust himself to having a deputy whom he could not agree with?

A. Yes.

Q. Dr. Kessel, you told us this morning that this Dr. Conti was represented by Dr. Bloch in the Reich's Chamber of Physicians as well as in the Reich's Chamber for Public Health?

A. Yes.

Q. Now we have been told that the expression for 'public health' was not translated very well, the German expression is 'Gesundheit der Volksgesundheit'. I should like to tell you what kind of an office that was, was it a state office

know anything about that?

A Yes, I know of this, I heard this repeatedly from Dr. Blome himself, and he also told me that he had drawn up a memorandum regarding a conference in which he made the suggestions to Dr. Conti. Dr. Blome made the suggestion to Conti particularly because he had taken part in world war I from the beginning until its conclusion as a combat officer and not as a doctor. He had been decorated with the highest decorations, whereas Dr. Conti had really never been a soldier. Consequently, he considered it necessary that Dr. Conti should go to the front since so many German physicians were at the front, Dr. Conti should also see what went on there.

Q Dr. Korsch I shall leave the subject of euthanasia then and go on to another point. In this courtroom the charge has been raised against Dr. Blome that during the Hitler period medical training, post-graduate training, suffered, that the ethics of the medical profession had fallen and that Dr. Blome was as deputy Reichs Leader of physicians more or less wholly responsible for this deterioration. Was your knowledge of conditions so deep and so extensive that you can give us any information on this subject?

A I believe I can give information on this subject. It is not correct to say that the standards of medical ethics and medical post-graduate training got worse during this period. On the contrary, Dr. Blome received from the Reichs Leader of Physicians, Dr. Wagner, the task of building up medical post-graduate study, that means, in other words, that medical post-graduate training theretofore had been at a lower stage. The situation was that for many years many physicians had had no further training in their fields, at least so far as I know. It lay at the discretion of the individual whether he would do anything further to train himself or not. And so it happened that many doctors remained scientifically retarded

because they didn't want to take the time to attend lectures in matters that might have been important to them. Dr. Blome put medical post-graduate training on an entirely new basis, both as a voluntary basis and as a physician's duty. He set up medical post-graduate training.

Q. Now do you mean, as a duty?

A. In the one case it was left to the discretion of the physician and was to be left so in the future whether or not he studied any certain field further. But for certain specific fields, and, as far as I recall, this applied particularly to specialists, certain arrangements for further study were made and this study was mandatory. If the physician did not attend he could be fined. This was necessary because a large number of German physicians had specialized in a particular field and did not know the human body as a whole organism but simply saw the organism as a whole from their particular field of specialization, and this was to be avoided.

Q. Then if I have understood you correctly, Dr. Bloch issued regulations that general practitioners had to continue their studies. Is that true?

A. It is.

Q. Then where did this training take place? Is it true that in the individual Gau or in the individual provincial offices there were such training courses, do you know?

A. That depended. These courses depended on local conditions. They took place in university rooms or in health centers or places like that. Also in Altrsee in Mecklenburg such courses were held.

Q. Because of this medical leader school at Altrsee, I repeat Altrsee, in Mecklenburg, a special charge has been raised against Dr. Bloch here. It has been asserted that it was the obligation of each doctor to spend a few weeks every year for several years at this medical school in Altrsee. Is it true that there was this obligation to attend this school at Altrsee?

A. That is not correct. Rather, Altrsee, as you can see in the name itself, was thought of as a school for medical leaders - as a Fuehrerschule. Thus, primarily, functionaries of the medical professional societies were concerned here. The Reich Physicians Leadership used this school in order to instruct the local physicians' leaders to

inculcate them with their ideas, to make certain problems known to them, such problems as concerned the body of physicians as a whole. To this extent one can speak of a certain obligation to attend, but let me repeat, only for these functionaries among the physicians.

Q. For ordinary doctors who did not have any position as functionaries there was no obligation to attend this so-called Fuehrerschule?

A. No, none at all. Young doctors who had just passed their examinations or had just started practicing wished to attend these courses, but practicing physicians of long standing and specialists were never obliged to attend courses at Altsee.

Q. Do you know that this course at Altsee found great approval among the medical profession and that the number of voluntary applications every year was so great that all doctors could not ^{be} accepted? Do you know that?

A. The last thing you said is true. The actual state of affairs was that many voluntary applications could not be accepted because of overcrowding.

Q. I asked this question, Dr. Koenig, only because a charge has been raised against Dr. Blome in this courtroom saying that attendance at this school was obligatory. Now, as to the scientific level of the German medical profession and German research, and the question of Dr. Blome's endeavors in this connection. Doctor, do you know that Dr. Blome took a great interest in medical post-graduate training on an international basis? What can you tell us about that and about his success?

A. In the field of medical post-graduate training Dr. Blome had, in my opinion, great success. He also worked in the international field of medical post-graduate training and accomplished a great deal. That is in the year 1937 there was an international medical post-graduate training course in Berlin in which 44 nations participated and which was carried out with great success. Scientists of world renown were there in various specialist fields and at this congress, on the suggestion of Dr. Blome, the so-called International Medical Academy for Post-Graduate Training

was founded. One year later, in the year 1936, Dr. Blome founded this academy in Budapest. Geheimrat Professor Borst was appointed president of the academy and Dr. Blome was unanimously appointed president of the Permanent Committee.

Q. Just a minute. You mentioned Geheimrat Dr. Borst. Is that the world famous cancer research worker of the University of Munich who died a few weeks ago?

A. Yes, that is the one.

Q. He was president of this International Academy for Medical Post-Graduate Training - that is, a scientific institution for medical post-graduate training on an international basis - and Dr. Blome, you said...

A. Dr. Blome was president of the Permanent Office, that is, manager.

Q. And one year earlier, you said, under the direction and responsibility of Dr. Blome there was an International Congress in Berlin, I believe?

A. Yes, in Berlin.

Q. Are you aware that this congress, which was the work of Dr. Blome, was attended by representatives of 44 nations?

A. That is what I said. That was 44. I know that personally.

Q. Now Dr. Kesschl, I have only a few very brief questions to clarify the personality of Dr. Blase. Dr. Kesschl, from your official activities and from your private conversations with Dr. Blase, do you know what his attitude is toward the medical treatment of Jews, that is, what it was. In other words, whether he thought that Christian doctors should not treat Jews or vice versa, do you know what he thought on this question?

A. As regards the measures that the State and not the physicians brought about to eliminate the Jewish doctors there was at the same time an order that forbade Jewish doctors from treating members of the German population and conversely German doctors could not treat Jewish patients. This was according to the arrangement of the Kassenärztliche Vereinigung, which I already mentioned before. But it did happen that a member of a Jewish community fell sick and no Jewish doctor was available. In these cases Dr. Blase, even in conferences at which I took part, repeatedly insisted that in opposition to other doctors, his opinion that it was on the late human duty for a German doctor to take over treatment of a Jewish person under such circumstances, and if I recall correctly he also stated this at a Congress in Wiesbaden in 1942, the question having been brought up officially by the Jewish Chamber of Physicians. I know also that Dr. Blase, I am not sure what year it was, a doctor once in such an emergency refused to treat a Jewish patient. The other doctor who would be obliged to Dr. Blase concerned himself mostly as to this question and reported on this matter. Dr. Blase went to it that this doctor who had refused to help the patient was brought before a Tribunal and punished.

Q. Now, Dr. Kesschl, you just used the expression "Kassenärztliche Vereinigung", a medical insurance unit. I have seen that the translation of this word into English is very difficult and on the basis of the translation one has not got a very clear picture as to what sort of an organization it was, you can tell me very briefly what "Kassenärztliche Vereinigung" means, what the duties of the organization were, very briefly just so the Tribunal will be able to have a picture of what sort of an organization it is.

A. The "Kassenärztliche Vereinigung" was an assembly of all those doctors who had the right to treat patients who were members of the national health insurance in contrast-distinction to such patients who had money of their own

or through private insurance called on a physician. In other words, the physicians in Germany who were allowed to be members were included in this "Gesamtsortliche Vereinigung" and other doctors were not allowed to treat their patients. There were, I believe, sixty per-cent of all the German physicians.

Q. And the head of this organization was Dr. Gothe?

A. It was Dr. Gothe, yes, whom I mentioned this morning.

Q. Dr. Kasecki, you mentioned once in passing that Dr. Blum endeavored to keep the medical profession out of politics as long as possible. He tried to keep politics from interfering in the interest of the medical profession. In this connection I should like to ask if you know that Dr. Blum constantly endeavored in view of the fact that the Hauptamt Für Volksgesundheit and the main office for public health were under the same person, he tried to have this fact changed. He tried to keep the medical profession, the head of the medical profession completely away from party influence.

A. Yes, Dr. Blum wanted to effectuate this separation strategy to the detriment of Dr. Conti, Reich Health Minister. As I said this morning, Dr. Conti wanted to stay in closer touch with party organizations and indeed went so far that the Reich Chamber of Physicians was to be coordinated with the party organization, thus far every time that the party had, he wanted to set up a special chamber of physicians. That was not, however the case. He had, for example, in Bavaria, one chamber of physicians, whereas this district of Austria consisted of five political ones, and it is Dr. Blum's achievement that the situation remained in Bavaria as it was, and the five chambers that Conti wanted were never set up. In Westphalia the situation was the same and in the Rhineland. The one physicians chamber of the Rhineland included several gaue in fact. Dr. Blum was unable to prevent Dr. Conti from coordinating the chamber of physicians with the party.

Q. Then, if I understand you correctly, you say that this again was an effort to keep the medical profession free from the influence of the party?

A. Yes.

Q. Now, can you tell me with respect to the last statement, what did the party officials have to say about it? What did they do in order to retain their

influence on the Reich Chamber of Physicians?

A. What you just said is not quite true. The party did not have any immediate influence on the Reich Chamber of Physicians. It attempted year after year to get such influence, even at the very beginning, in the years 1933 and 1934, the Reich Physicians' leader, Dr. Baum, successfully opposed these efforts on the part of the party. At that time we know of the plain to complete power that the party exercised. It repeatedly happened that Ortsgruppenleiter, Kreisleiter or even a Gauleiter in his own initiative interfered in medical matters, and particularly in matters of health insurance in a certain way. Then Dr. Baum saw to it that the regulation was passed according to which such excesses on the part of the political leaders and interference in matters that concerned physicians were forbidden. This prohibition was very important for the physicians in general and was of great help. Dr. Baum, as the subsequent representative of Dr. Baum's ideas, wanted to separate the two institutions in so far as they should not be in charge of the same person. He frequently tried at this time for discussion and tried to have his way in this. He discussed this now with the Gauleiter Friedrichs in my presence. He was the political deputy within the party in the office of Reichsleiter Burmann. Burmann himself in the leading was not as ready, however, to carry out this separation of the Reich Chamber of Physicians and the main office for public health. Dr. Burmann even went so far as to forbid even any mention of this office and threatened his subordinates in the party chancellery with being fired if they brought it up.

DR. SAUTER: Mr. President, I have no further questions.

CROSS-EXAMINATION

BY DR. SERVATIUS:

Q. Servatius for the Defendant, Karl Brandt.

Witness, you have said that in 1942 when Brandt became Reich Commissioner, Conti became head of the Civilian Health Service under Dr. Brandt. Is that true?

A. I said that this morning, yes.

Q. What was the official relationship between Conti and Brandt?

A. The relation was one neither of subordination or superiority. The so-called Fuehrer Decree of August, '42, which named Dr. Brandt as the Reich Commissioner for health and medical matters had its deeper meaning in the fact that certain contradictions and overlappings between the medical inspection of the Wehrmacht on the one hand and the civilian sector on the other hand should be removed. It had happened --

Q. Witness, do you know the Decree?

A. Yes, I do.

Q. I shall show it to you again. It is Document WC-080, Exhibit 5, Document Book 1 of the Prosecution. Witness, if you will look at number 3 in the Decree, that is the confirmation of what you have testified.

A. Number 3 is right. The question at that time was essentially that Dr. Brandt should try to straighten things out both in the material sphere and in the question of personnel.

Q. Then if you said "Conti's position under Brandt," you mean this relationship according to the Decree?

A. Yes, that is what I meant.

Q. You called Professor Brandt the Reich Commissioner. Is it right that this Decree only appointed him General Commissioner, not Reich Commissioner?

A. Yes, that is right.

Q. Later he became Reich Commissioner.

DR. SERVATIUS: No further questions.

CROSS-EXAMINATION

BY DR. FROESCHMANN:

Q. Dr. Froeschmann for Viktor Brack. Witness, you were business manager of the main office for public health and of the Reich Chamber of Physicians, is that true?

A. No, I was not business manager. I was legal adviser in the syndicate of these two.

Q. You spoke this morning of the plans which Conti had about the socialization of the medical profession and the abolition of the free choice of the doctor.

A. That is true.

Q. Did Conti give you the assignment to deal with these questions from the legal point of view?

A. No. In conversations during lunch or in other such social situations, we discussed this matter because for a considerable period of time Dr. Conti was much concerned with it.

Q. Witness, assuming that Conti had given you such an assignment, do you agree with me that this would have been a difficult problem because there are many factors to be considered pro and con?

A. That could be, yes. It was a very extensive work if I may so express myself. I never read it in detail, and since it did not fall within my confidence, I am only superficially acquainted with this whole matter.

Q. Would you in this case in the legal treatment of this question of the socialization of doctors have spoken of a program?

A. I can't say.

Q. What do you understand by the word "program"?

A. Under the word "program" I understand it in this context, that deliberate measures were taken toward socialization. In this case, at any rate, I do remember that this was to be taken in a bargain more or less. Dr. Conti did not think much of the plans that Dr. Ley was pursuing. Rather Dr. Conti wanted to pay this high price for Dr. Ley's support to become State Secretary in the Reich Labor Ministry which he

was not yet at that time, and because that was his highest ambition, namely, because in this way he would become essentially closer to the Reich Health Leader, and in addition to the other offices that he occupied -- he was already a State Secretary in the Reich Ministry of the Interior -- he wanted to become a State Secretary in the Reich Labor Ministry. Then his power as health leader of the German Reich would have been complete, and it would have only been a small step to his final goal, namely, Reich Health Minister.

Q. Then, witness, if I understand you correctly, by "program" you mean a definitely defined field of work which is dealt with according to a certain method. Is that about right?

A. That could be, yes.

Q. Now what evidence do you have that the Reich Government had a Euthanasia program?

A. I have no proof of this program because I did not know of this program.

Q. Then why do you use the term "Euthanasia program" here in the courtroom as a fact?

A. I used this term "program" because I have here found out from Dr. Thier that there was actually such a program, and I had to assume that it was a fact.

Q. Then if I understand you correctly, you took over a subjective idea of the lawyer of the Defendant Blume, and that is why you used the word "Euthanasia program"?

A. That is true.

Q. Witness, when you heard about Euthanasia at all, did you have anything to do with the Government plans on this question?

A. That was not very possible because --

Q. Let's not use the word "program" anymore. It is incorrect.

A. All right. I heard of these plans only here in my internment camp or in the course of this trial.

Q. Consequently, the legal basis of Euthanasia is as far as it

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was carried out unknown to you?

A. No, it isn't.

Q. Do you know of the Decree of Hitler of the 1st of September, 1939?

A. I don't know about it.

Q. Then I may tell you briefly the contents of this decree.

DR. PROESCHMANN: Mr. President, unfortunately, I do not have the Decree here, but it is Document NO-630. At the moment I do not know the exhibit number, but I shall find it out.

.. Witness, this Decree says the following: Reichsleiter Bouhler and Professor Dr. Karl Brandt are given the responsibility of extending the functions of certain doctors mentioned by name to the extent that incurably sick persons may be given a mercy death.

Have you understood so?

A. Yes.

Q. Do you agree with me that this was merely an authorization to certain doctors to be allowed to grant a mercy death?

A. This Decree that you are referring to was never in the interpretation of this Decree, if it reads as you quoted it to me, I should like to agree with you. I am of the same opinion.

MR. HARDY: Your Honor please, I object to any answer to this question by the witness. The witness did not see the Decree; he doesn't know anything about the Decree. Giving his opinion of such a Decree is strictly out of order.

THE PRESIDENT: The objection is well taken. The Decree should be produced if Counsel desires to question the witness concerning it.

DR. PROESCHMANN: I beg your pardon. Excuse me a moment. Then for the time being I shall go on to another question.

Q Witness, when were the complaints received which you mentioned this morning?

A I do not remember the exact date. It must have been around the time, 1941. I assume it was about that time that two or three inquiries of this sort came to our office.

Q '41, '42, you mean?

A Yes. That is right.

Q What was contained in these complaints?

A As I said this morning, they were inquiries of the Reich Physicians' leaders inquiring whether they knew transports were taking patients from one mental institution to another and that in the course of these transports, patients died an unnatural death. This is the general sense of their complaints there are doubts about. They said from information they had received, they knew people had died.

Q Did these complaints refer to the killing of insane persons?

A Yes. At least one had to assume that it concerned such matters.

Q Did the contents of the these complaints indicated a punishable action, that is, the killing of human beings?

A That is conceivable, but in the course of a year, many complaints of matters of a similar nature came to these two offices. These complaints did not make any particular impression, particularly, if one knew that most of these things were sent by people of bad faith or crack-pots.

Q Witness, is it true that there were frequently complaints dealing with the fate of some relative which were sent by persons who themselves were psychiatric cases?

A That I cannot judge.

Q Why did you send these complaints to the Party Chancellery?

A I explained that this morning. That was the general procedure, just a few years previous to that, complaints came in regarding the implementation of sterilization. There is a certain similarity between these two questions. Sterilization affected insane persons and the inmates of mental institutions are also insane. Consequently, our treatment of the two matters was the same.

Q That is your personal opinion, Witness?

A Yes.

Q You had nothing further to do with the Euthanasia program in practice, did you?

A No.

Q You did not know the reasons Euthanasia was introduced in 1939. In your testimony, did you not confuse the Party Chancellery with the Chancellery of the Fuehrer?

A No.

Q Did you know the Chancellery of the Fuehrer was competent to deal with such complaints from the population?

A No. In the course of the ten years that I held my office, we only had individual dealings with the Fuehrer's Chancellery. I do know that between the Fuehrer's Chancellery on the one hand and Chancellery of the Deputy of the Fuehrer, later called the Party Chancellery, there were liaisons. They lay close together geographically speaking. Only one street lay between them in Munich. I went with such matters to the Party Chancellery, particularly those Dr. Goebbels, who was a Deputy, permitted such things.

Q If I understood you correctly, you said this morning, that you do not know what the Party Chancellery did with those complaints?

A That is true.

Q Then consequently, you cannot say that there was no reaction at all to these complaints?

A That I cannot say, but so far as we knew, there was no reaction.

Q Did you learn from another conversation that certain church circles sent complaints to the Chancellery of the Fuehrer or to any other agency, the Reich Ministry of the Interior, for example?

A No. I knew nothing of that.

Q Then, Mr. President, if I may, I shall go back to the document of 1 September 1939, RD 630 P.3. I should like to show this document to the Witness.

MR. HARRY: Might I ask defense counsel what his intention is in giving this decree to the witness? Is it his intention to ask this witness, a question, as an expert or a lawyer, as to what effect this decree or letter of the Fuehrer had?

THE PRESIDENT: What is counsel's purpose in examining the witness on the stand in connection with this document?

MR. PROSECUTOR: Mr. President, I merely wanted to ask the witness the question, whether the decree of the Fuehrer leads to the conclusion that there was a program.

MR. HARRY: No objection, Your Honor.

THE PRESIDENT: Counsel may proceed.

Q Witness, have you read the Decree?

A I just read it, yes.

Q Can the conclusion be drawn from this decree that there was a program of extermination?

A No. I do not believe that inference can be drawn. It is not to be seen from this document alone. In addition to this, there might have been additional orders because it says here the authority of certain persons is to be enlarged.

Q I have no further questions, Mr. President.

THE PRESIDENT: Is there any other examination of this witness by defense counsel?

(no response)

If not, the Prosecution may cross-examine the witness.

CROSS - EXAMINATION

Q Witness, during the course of this examination I have well solved the subject of extermination as a program. I am sure that I, as well as my distinguished colleague, Dr. Sweeney, considered it as such.

You referred this morning on direct examination that Hitler issued an order appointing Blom as Deputy to Goebbels. When did he issue that order?

Q At the moment, I cannot tell you the precise day. At any rate,
it was in April, 1939.

Q Now, what was peculiar to the nature of the duties of Blom
at this point?

A I do not quite understand your question.

Q What I am driving at, Witness, is did Hitler outline what the
duties of Blom were in connection with the various positions held by Conti?

A No.

Q Well, now at that time.

A Hitler did not know Blom personally so far as I know. He knew
nothing very precisely about Blom's personality. If in this decree, Blom
is suggested, then this suggestion came from Reichsleiter Bormann who was
greatly interested in Dr. Blom. He knew him well.

Q I assume you recollect you stated this morning that Hitler ordered
Hess to become the Deputy of Conti. Now I put to you this question. Did
not Blom have some sort of position of influence with Hitler or how did
Hitler happen to appoint him by decree to be a deputy to Conti?

A That came about through the fact that Reichsleiter Bormann was very
closely connected with the late Reich Physician Wagner. Dr. Wagner, the
evening before his death, let a letter to Hitler in which he did not name
a specific successor to himself, but he mentioned in his letter, five or
six leading personalities in the world of medicine whose names might be
mentioned as successors. From these four or six persons who were here
mentioned, Reichsleiter Bormann chose Dr. Blom. He knew all the people
mentioned very well. He decided in favor of Dr. Blom. Bormann then told
Hitler what his opinion was in this matter.

Q That was Hitler or Bormann chosen to believe that Blom could be
fitted to the principles of the Reich Physicians' Leader Wagner and to
the SS?

Q. 1.

A. The Reich Ministry of Interior has the direction of the Reich Ministry. It was to implement laws in every sphere, but as far as this matter is concerned, the implement laws was Reich's security in contrast to the police job in matters of health, which was called the securing of health. The party leadership of the NSDAP saw its task in the realm of health as the leader of human beings in the matter of health. Now in the differentiation, with the Reich Ministry of Interior, that differentiation determines also the respective spheres of activity. The Reich Ministry of Interior was superior in this respect to all organizations and positions that had anything to do with health, not only German doctors but also the refusal and rejection of specialists, dentist, and so on down to nurses; to that extent the Reich Ministry of Interior, dentist, and so on down to nurses; to that extent the Reich Ministry of Interior was the supervisory agency over the professional organizations.

Q. Now, you state that the Reich Ministry of Interior was the Reich Ministry of Health, is that right?

A. No, not at all. The Reich Ministry of Health was the Reich Ministry of Health, but of a purely administrative nature, and it was from the Reich Ministry of Health that the Reich Ministry of Interior was elevated to the position of supervising over the Reich Ministry of Health; thus the latter became the Reich Ministry of Health, and so, nursing and everything, but the Reich Ministry of Health was the Reich Ministry of Health. The right of supervision was in the Reich Ministry of Interior.

Q. Well, now, what position was Dr. Wagner in the Reich Ministry of Interior?

A. No, when Dr. Wagner was still alive he was only Reich physician. When he in his party functioned as the deputy of the Deputy Reich Minister in all matters of public health. In other words, at that time, he was the Reichsgesundheitsführer, which health leader, but Dr. Wagner the Reich Minister of Health was the Minister in matters of health of public leadership, particularly of the Reich Minister of Health, and in a lesser sense also of

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the Führer, namely, Hitler.

Q. Conti was the successor to Gahr of Reichsarztamter, is that right?

A. Yes, that is right.

Q. There was no connection between Gahr and the use of the Minister of Interior?

A. There was no connection between the two; there was a connection only in the sense that the Reich Minister of the Interior had to agree if a new professional leader of any sort including the Reich Physician Leader was appointed, for example, if a new Reich leader or Reich leader were chosen. The fact was to be known, then the Reich Minister of the Interior or the Party Chancellery or the Reich Chancellery had to give their approval of the new election. This, in the case of the Reich Physician Leader was not the case. The rank of the profession of physician and was elected by the Reich Minister. The leader was appointed by the Reich Minister of the Interior in only supervisory powers.

Q. Now, you stated that in 1935 you reported to Dr. Gahr, that Gahr -- as a matter of fact -- and Gahr, was able to succeed in governing and controlling of laws against hereditarily ill. Well, now, it must follow that his successor, Conti, as Reich Physician Leader, would have had the same capacity as Gahr, wouldn't it?

A. The question is not raised in this case. Dr. Gahr as Reich Physician Leader did not have the possibility of legislating or controlling laws on hereditary diseases. He supervised only the State Health Officers and the local health officials. I did not say in the oral report that Gahr was able to. I did not say Dr. Gahr, in the numerous complaints from the population, realized the vast importance of the laws that were in force at that time. He was a physician, and therefore a doctor, to the Reich Minister, in the Reich physician's office which permitted him to investigate the hereditary cases.

Q. Well, then it is true that Gahr succeeded in governing and controlling

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to so a extent the execution of the laws against hereditary diseases, was
it not?

A. Yes.

THE COURT: The Tribunal will take a recess.

THE MARSHALL: The Tribunal is again in session.

BY MR. HARDY:

Q. Now, witness, what do you understand that Euthanasia included?

A. I was not closely connected with this problem. I only dealt with it privately. I read a book about it in which the author spoke in favor of Euthanasia; and in the result I agreed with him. If someone is incurably ill, and is a constant burden to his relatives and to the population as a whole, then I personally would consider it right, in individual cases which have been carefully investigated, for the suffering to be ended.

Q. Now, witness, I have asked you what did you understand Euthanasia in Germany to include? You have given me the theory of Euthanasia as you understand it, but did you understand that this Euthanasia went beyond that of persons incurably ill and subjected other persons to extermination?

A. I cannot judge that. I did not deal with this question even once.

Q. Well, now these complaints that you mentioned regarding the Euthanasia problem. Did you see these complaints yourself?

A. Yes, I saw them.

Q. When?

A. In the course of the time, 1942 or 1943, perhaps.

Q. Where did you see these? Was that in your office which was part of the Reichsarztchef's office?

A. This office was not separated, whether it was the office of the Reichsarztchef or the main office. The Reichsarztchef and head of the Public Health were the same person and, consequently, all the mail was received together. Only the address indicated which office was meant.

Q. What was the nature of these complaints?

A. I have already stated that doubts were expressed as to the accuracy of a report received by the relatives, according to which the

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patients had died a natural death.

Q. Well, now these reports as I understand it were shown to Blome, weren't they?

A. I do not know at the moment, but I assume that I showed them to Blome.

Q. Did you have any discussion with Blome about them?

A. I assume so.

Q. What did he do about it?

A. He had no idea about this any more than I did. He no doubt recommended that these complaints should be turned over to the Party authorities.

Q. Well, now was it normal that Blome should ignore such complaints as this - of a nature that people were getting killed?

Chart 1

A. It was not expressed positively as such, so that one could naturally assume that these complaints that people were going killer. On the other hand, as I said this morning, there were a great many letters which were of a nature which were due to some inference from the radio or from propaganda, but since neither the Reichs Chamber of Physicians nor the Main Office for Public Health had over health with such things - I expressly mentioned this morning the fact that the first Reichswehrminister Dr. Wagner specifically prohibited the discussion of this question - he turned these complaints over to the Party which, through the Gau or Kreis Offices could organize locally an investigation. That was the customary procedure.

B. Now, these various parties as you had as Deputy - they were concerned with health in Germany - Reichs Office. That was his specific concern, wasn't it?

A. Yes.

B. Doesn't it seem logical to you, with the concern with such a thing as eugenics?

A. No doubt as well as I said, that this problem specifically was not to be discussed; and was not to be dealt with, so I assume that here the position of the church played a very important role; and also was no doubt just as strident as I was, as a lay man, he did not take any part in this problem. Besides, Giese was only in charge of certain territories of the church, and it is quite possible that I did not talk to him about these individual complaints.

B. All right, you have stated that Dr. Wagner was a member of the Reichswehr and directed the collection of these various letters. Isn't it possible that he was not in the position of Reichswehrminister. At the time he was a member of the Reichswehrminister, and also, as his deputy, could have interfered in such a matter as this and would have been equally as successful as it has been.

A. I am going to say that Dr. Wagner in his capacity as Reichswehrminister could influence the sterilization law. Dr. Wagner was quite an excellent man and a very good man in every respect, in contrast to his successor,

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Dr. Conti, was recognized everywhere. Dr. Wagner, in contrast to Dr. Conti, had the opportunity of seeing Hitler as long as he wished and to express any wishes he had to Hitler personally and he was listened to. Conti, on the other hand, as his successor, during his five years as a doctor with Luder and Reich Physicians' League, with the exception of his specialization, was not able to speak to Hitler for ten minutes as medical matters were not his. Therefore, if it was not possible for Conti, then he would not have the full authority of Dr. Wagner's office - is it not possible for him to see Hitler, although he knew him personally, then it is impossible for Elms to see the Fuehrer, Hitler, personally since they did not know each other at all. The person of medical staff - or there was always in the way, an official doctor and he was not available for a personal record or not. Generally, he prevented it and represented himself as a colored right.

Q. Now, you state then, that when Dr. Conti became the assistant of the First Assistant Reich Physician in his position as Reich Physician, and finally, became the First Assistant, being a German person of strong character, or was the influence of reputation to help in this respect. Is that right?

A. Well, another, as I said, when the First Assistant was a doctor, he was a doctor, and, in this or else, he was a doctor - he was a doctor there was a question of an assistant doctor and he was a doctor - in the position of the sterilization he was a doctor - a very old.

Q. I don't want any more questions of the Reich Physician, but I want to know, in connection with this, what was the position in the medical practice and the position of the Reich Physician, with a doctor?

A. Yes, he was a doctor.

Q. Of course, it is true that the Reich Physician was a doctor, wasn't it?

A. I have learned that only once in Germany.

Q. 1

Q. And it is suggested from our interrogations that these people had a character or strength to object to such a program if we had such feelings. Is that right?

A. I think that these were just the little differences as to what was to be done, but I don't think anything more of the kind. In my opinion, I know that in the course of the time with them in which we were in 1941 reference is made to various matters of this kind.

Q. Now, the first matter is, whether, in 1941, in the circle of people - that is, Secretary of State, Ambassador, the Reichsminister, the Reichsminister - that is, whether or not they were in any way involved, that these activities were carried out in the name of the Reich in the Reich Ministry of Interior or in the Reich Ministry of Education. Is that it?

A. First of all, my opinion, not beyond that, that was a personal matter of the Reich Minister of Education, who was the direct superior of the Reich Minister of Interior, and that was the only thing which I can say anything about with the Reich Minister of Education.

Q. Well, I do not suppose you are absolutely well informed in your position in the office, and you are not a member of the Reich Minister of Education, are you? Is that right? Is that right?

A. No, I am only the secretary. I know that the Reich Minister of Education was the Reich Minister of Education, and that was the Reich Minister of Education, and that was the Reich Minister of Education, and that was the Reich Minister of Education.

Q. Well, now, I am not the secretary of the Reich Minister of Education, but I am the secretary of the Reich Minister of Education, and that was the Reich Minister of Education, and that was the Reich Minister of Education.

A. The Reich Minister of Education was the Reich Minister of Education, and that was the Reich Minister of Education, and that was the Reich Minister of Education.

A. No no doubt discussed such things in individual cases and worked on them, but whether he was empowered to decide, I don't know. I myself once submitted a case to him. During the war in France I had a comrade whom I met in the field; after we had gone through a few battles together he entrusted himself not to the company commander but to me, personally, because he was one of the ten people whom I had had as combat squad commander. He told me that he was a half-Jew, that he had arranged for quarters and that he wanted to get married, but the Nuremberg laws made it impossible for him, since the marriage was forbidden. I promised this comrade at that time that I would take care of this matter, since I was always able to observe him personally and knew that he was a good comrade and a brave soldier. When I came back from the front I took up the matter, and shortly afterwards this man came back too. He had been released from the army after the campaign in France. He visited me at my office, and he told me about his case again. I received him immediately, and I discussed the details with him. I had learned that in three cases when a person had distinguished himself in the war or had been promoted because of bravery, an exception could be made in the rule against marriages. Since this man had been promoted because of bravery I considered the case suitable for me to take his part. It happened that Dr. Bloch was in Munich on that same day, having come from Berlin. I took my comrade to Dr. Bloch, and I told him of the case. He immediately declared himself willing to do something to further the approval to marry. I lost sight of the case then, because it was settled in a different way.

Q. Well, then, it is true that Bloch could engage in extremely important activities outside of the scope of his job as deputy to Conti, isn't it?

A. Yes, that is true, and I know that Bloch had an appointment in addition to the Chamber of Physicians and the Office for Public Health; for example in the field of cancer research.

Q. Now, witness, you stated this morning that these restrictions on Jewish doctors originated with some other governmental office. You don't recall, offhand, what other governmental office they originated in, do you?

A. I said this morning that those restrictions were a Reich measure, that the Reich government had taken them, and I also said that within the medical profession the Deputy Chief of the Government Insurance Society of Germany carried out those regulations.

Q. Well, now, the Reichsarztzufuhrer's office, as I understand it, created or carried out those restrictions on the Jewish doctors, didn't they, -- the Reichs Physicians' Chamber? Yes or No?

A. No. It was not the Reich Chamber of Physicians. It was the Kaiserlich-ärztliche Vereinigung. It was a part of the Reich Chamber of Physicians which was a separate legal entity. It was not situated in Munich with the Reich Chamber of Physicians but in Berlin.

Q. Well, who was the Chief of the Reich Chamber of Physicians?

A. That was the Reichsarztzufuhrer.

Q. Gusti?

A. Gusti at that time, yes.

Q. That was Gusti's identity?

A. In the Reich Chamber of Physicians, Dr. Blum. In the Insurance Society, Dr. Broth.

Q. That is sufficient. Now you stated that Dr. Blum was somewhat of an expert in the cancer field, is that right?

A. I could not say from my own knowledge that he was an expert. I know that he had an assignment to coordinate cancer research and tumor research.

Q. And you are aware of the assignment he received from Goering and the Reich Research Council pertaining to the research for biological warfare, isn't that?

A. No.

Q. Did you visit Dr. Blum's Institute at Berlin?

A. Near Posen. I heard about it. That is where Blum was living in Munich, and decided to give up his offices in the Reich Chamber of Physicians to the Main Office for Public Health because of his poor relationship with Goel.

He moved from Munich to Posen with his family. He told his friends and co-workers that he wanted to devote himself exclusively to the fight against cancer, that he had an assignment to do so from a very high authority. Whether he said from Hitler or from Goering, I do not remember. In any case he had all the facilities near Posen, at a farm, to carry out his research in this field. I never heard any more about it. That Blum is supposed to have had any part in biological warfare, I and a few co-workers learned that in the internment camp in Gernsheim-Partenkirchen in the fall of 1946 for the first time, over the radio, when Generalstaatsanwalt Dr. Schreiber testified so that effect here in the first Nif trial in Nuremberg.

Q. Of course Blum would never have had any occasion to discuss the secret projects assigned to him with you, would he?

A. I do not believe so, no.

Q. Now you state that Blum moved to Munich from Berlin in 1942 or 1943 because of his quarrels with Goetti, is that right?

A. No, that was earlier. That was 1941-42, and he left Munich at the end of 1942, as I recall.

Q. Well, now, Doctor, you are a lawyer, aren't you?

A. Yes.

Q. And on those medical problems of a secret nature—suppose that they were discussing encephalitis, Blum and Goetti—they wouldn't invite you into any conferences, would they?

A. No.

Q. And it is highly possible that Blum could have been engaged in a great many activities of a medical nature of which you would not have any knowledge, is that right?

A. I did not learn of everything. I believe there were many things that I did not know about. Unless he told me in private conversations with other specialists, I was not able to judge.

Q. You are aware of the Fuehrer's Order of Secrecy, aren't you?

A. Yes, I know that.

Q Most of those matters that are under discussion here were secret in nature. Blom would never discuss them with you, would he, insofar as taking into consideration the Fuehrer's order of secrecy?

A Yes, I agreed with you.

MR. HARRY: I have no further questions, Your Honor.

THE PRESIDENT: Any further examination of this witness by any defense counsel?

RE-DIRECT EXAMINATION

BY MR. HARRY (Counsel for the Defendant Blom): :-

Q Witness, I have a few brief questions to clarify a few points. The prosecutor said that Blom had very good connections with Himmler. At the moment I do not know...have you already said when Blom came to Himmler for the first time---do you know that?

A I said a while ago that I knew only of the poorer relationship between Himmler and Blom, and I knew that Blom was with Himmler very seldom; I said this condition existed until 1943. It is possible that the relationship was improved later. Dr. Blom told me, for instance, that he had better relationships with the SS now.

Q But you do not know when he came to Himmler the first time?

A No, I do not know the time and I do not know the occasion.

Q Did you hear anything about Blom's coming to Himmler?

A Personally I did not know it.

Q Do you know anything else about it? Do you know whether it is correct that Blom was repeatedly asked to join the SS and that he refused to do so? Do you know anything about it?

A I consider that quite possible and I know that in the course of the years, I do not know exactly when, that he was asked to join the SS. I know that.

Q From Blom himself?

A Yes, from Blom himself.

Q And what reason did he give for not joining the SS?

A I believe I can bring that in connection with my own person. I also was naturally frequently asked to join the SA or the SS, especially under the era of Conti, who was higher SS Obergruppenfuhrer, who would have liked to have me or Blome join the SS. I personally did not do so because I did not want to sell myself to Dr. Conti, and that also was probably the reason for Blome too.

Q Would you know that Blome was approached and asked to join the SS and he refused?

A For me in any case this was the decisive thing at the time and I assume it was the same for Blome. I did not belong to any formations and certainly not the SS, consequently Dr. Conti was very reserved toward me and very condescending. I might say I could express my opinion to him more openly than others could because I did not belong to the SS. The associates, even they held a high rank in the SS could not do anything against him, they had to stand at attention, or often they had to carry suitcases and perform other services. He just gave orders to these people, and Blome did not want that possibly and I certainly did not.

Q Dr. Kestmel, the prosecution spoke of Conti's great influence and asked why Conti had this position and this influence if he was so disliked everywhere?

A I believe there is some confusion there. The prosecution spoke of the great influence in connection with Dr. Wagner, and then afterwards pitied that Dr. Conti was a pitiable person because he was disliked.

Q But, didn't Dr. Conti remain in his office although he was hated everywhere?

A Yes, that is a fact.

Q And to what do you attribute that?

A Dr. Conti had a very difficult position in respect to all party agencies; what Dr. Wagner had built up in five years Dr. Conti tore down again in five years because he was not able to make his ideas prevail. Everyone in the party leadership, who had a large organization, was against him; such as Dr. Ley, or the organizations the SA, the SS and all sorts

of organizations such as the Organization Todt, which had their own health organizations and were independent of Goebbels and even worked against him. That was not possible under Dr. Wagner, because Dr. Wagner had great authority and that was why Dr. Conti lost more and more influence. If he was able to hold on, even though he was close to collapse, the reasons were internal party reasons such as the personal attitude of the Reichsleiter Bohrmann. Bohrmann had combatted Conti for years, but later, to the surprise of all initiated persons, he supported Conti at the very moment when he was generally considered a dead man. That was at the time when Dr. Brandt received his assignment of coordination.

Q Dr. Korschik, do you not believe that there is a certain significance for Dr. Conti in maintaining his position? First, that he was a very old party member, and secondly, that he had a high rank in the SS, that he was an SS Gruppenfuhrer, do you not believe that those two circumstances were decisive in Dr. Conti maintaining his position as Reichsleiterfuhrer and Reichs Health Leader?

A Doubtless those two qualities, being an SS officer and having old party membership, helped him for a long time and supported him, but now, that I am able to see the whole development, I believe that there were a lot of decisive and more important reasons than the ones I have just mentioned.

Q Now, something else, Doctor, the prosecution said that it might have been in the authority and power of Dr. Bloem to have a half Jew made a full Aryan and a good citizen. Apparently there is reference to a matter Ticks which must still be dealt with, you apparently do not know about this?

A I have heard the name mentioned by Dr. Bloem when I was making report to him in the new building we occupied at the end of the war after we were bombed out when I was in there reporting to Dr. Bloem and Dr. Ticks arrived as a visitor. He asked me to go out because this visitor arrived. He told me only that he had to receive this man because he was carrying out a research assignment or something like that, and I believe he referred to Himmler in some way; and I know that this name was

connected with some drug for stopping bleeding.

Q. Yes, that is polygal and I don't want to discuss it with you.

A. No, I know nothing more about it.

Q. In my concluding question, I would be interested in the following: is you believe that the point of view of the prosecution is right that the Deputy Reichs Leader of Physicians, no matter in what function, had the right or the power to have a half Jew proclaimed a full Aryan, or who was competent for this?

A. I do not believe that that would ever have been possible as much higher personalities tried in vain to accomplish this. I know of only one case where the Reichsrat managed it, but Hitler himself reserved the decision. I do not know who could have had any influence.

Q. Do you know that such matters were dealt with in the Reichsippenamt in Berlin?

A. That office had nothing to do with it in my opinion, but I cannot say for sure.

Q. The opinion was expressed a little earlier today that the former Reichsarztchef Dr. Wagner, in his capacity as Reichsarztchef, had the opportunity to supervise the law about hereditary diseases, or to change it or some such thing, now I should like to know the following: Do you know that the former Reichsarztchef Dr. Wagner in the press and in public Party rallies at Nurnberg repeatedly dealt in detail with such questions; that he has as well known for this and that perhaps for that reason that people came to him with their complaints if they had complaints about the execution of the sterilization law?

A. Yes, that is quite true. I can remember that Dr. Wagner spoke publicly here in Nurnberg about it and also on other occasions of congresses of doctors. The name of Dr. Wagner was known far beyond medical circles, therefore, I consider it quite possible that people came to Dr. Wagner by virtue of his personality, without thinking of him specifically as Reichsarztchef, although it would be possible that the population did not know his competency exactly.

Q And now my last question, Dr. Rosenthal. The question has been brought up as to what did Dr. Bloch do if he heard that people were inquiring about Euthanasia questions at the Reichs Chamber of Physicians or at the Main Office for Public Health, and you said that you turned over such inquiries to the Party Chancellery; I should like to have you make it quite clear why you went to the Party Chancellery; that is the one which had formerly been under Hess as Deputy to the Fuehrer and after Hess went to England, it was under his successor Goebbels?

A Yes.

Q Why did you go to this Party Chancellery? Will you please explain that very clearly?

A I think I answered this question when one of your colleagues asked me about it. He said that it was the Chancellery of the Fuehrer which was competent for such questions; but we in Munich, I said, for ten years, as long as I was there, had the practice of going to this Munich agency which was closer to us and with which we had better connections, especially because we were more or less known there personally, and we knew that in general things which we turned over to them were actually taken into consideration.

I specifically in the course of years when I worked there in Munich had several school friends there whom I could call up and prepare and know that they would deal with the matter. That was, perhaps, one important reason, but, on the other hand, - I said, Dr. Wagner had had success there with the sterilization law, and I had to assume that they would deal with this matter too thoroughly.

Q Did you not know, Doctor, that this so-called Party Chancellery, that is, the Chancellery of Hess and later Goebbels, was declared competent for all complaints coming from the population about abuses within the Party or in the State?

A Yes, I believe I said that myself this morning. That was a regulation which motivated us, and that is true. The Party Chancellery claimed for itself to be competent in all fields, whether it was a purely organizational matter or a professional matter or whether it was a State legal matter.

The Party Chancellery assumed the jurisdiction, and the Party Chancellery was organized in such a way that it went up to ideological questions, on to church questions, and had departments for such things.

MR. SAUTER: I have no further questions, Mr. President.

THE PRESIDENT: Are there any other questions to Defense Counsel?

MR. SAUTER: I have no further questions of this witness, Your Honor.

THE PRESIDENT: Who will be your next witness, Dr. Sauter?

DR. SAUTER: The Defendant, Dr. Bloch, himself.

THE PRESIDENT: In view of the lateness of the hour, we will not swear the Doctor tonight.

The Tribunal will now be in recess until nine-thirty tomorrow morning.

MR. HARDY: Pardon me, Your Honor--

DR. KAUFMAN: Just a minute, Mr. President. Mr. President

DR. KAUFMAN: For Radlof Brandt.

May I make an application that the Defendant, Rudolf Brandt, be excused tomorrow because he should like to prepare his case. He is the next defendant after Blome who will take the witness stand.

THE PRESIDENT: Under the circumstances, the Defendant, Rudolf Brandt, is excused from attendance in court tomorrow to prepare his case which will follow.

DR. KAUFMAN: I thank you.

MR. HARDY: May it please Your Honor --

THE PRESIDENT: Yes.

MR. HARDY: The Prosecution has considered the Blome case and are now at this time of the opinion that a prima facie case exists against the Defendant Blome as charged in the indictment. Hence, we do not wish to withdraw any of the charges against the Defendant at this time.

THE PRESIDENT: The Tribunal will now be in recess until nine-thirty o'clock tomorrow morning.

(The Tribunal adjourned at 13 March 1947 at 0930 hours.)

Official transcript of the American Military
Tribunal in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
13 March 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants
are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are pre-
sent in court with the exception of the defendant Oberhouser, absent due
to illness.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in court save the defendant Oberhouser,
who is in the hospital ill and has been excused on account of her illness.

Counsel may proceed.

THE MARSHAL: The defendant Rudolf Brandt is also absent, having
been excused by the Tribunal yesterday.

THE PRESIDENT: The Secretary General will note for the record the
absence of Rudolf Brandt, who was excused yesterday by the Tribunal in
order to prepare for the presentation of his case.

DR. SEIDL (for the defendant Blume, instead of Dr. Sauter): Mr.
President, Dr. Sauter has asked me to tell you that at the moment he is
sick on account of his nose bleeding and asks the Tribunal to be able to
begin in a few minutes. He has only left the court for a few minutes.

THE PRESIDENT: Very well, counsel, the Tribunal will await the
proceedings of counsel.

MR. HARRY: May it please the Tribunal, Dr. Sauter is at the dispo-
sition of the Tribunal and he will be delayed about a half hour. Is it convenient for the
Tribunal to adjourn for a half hour?

THE PRESIDENT: Yes, I think so. The Tribunal will be in recess
until counsel is able to proceed with the case.

Court No. 1
18 Mar 47-M-3-1-BM-Beard

THE MARSHAL: The Court will come to order.

JUDGE CRAWFORD: Dr. Sauter is still indisposed and the Court will
be in recess until 1330 hours this afternoon.

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 13 March 1947.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Counsel may proceed.

DR. SAUTER (For the Defendant Blome): I must apologize, Mr. President, that this court was delayed for such a long time.

THE PRESIDENT: I hope it may not interfere any more.

DR. SAUTER: I would like to ask your Honor to permit me to examine Dr. Blome, to have him take the witness stand.

THE PRESIDENT: The Defendant Blome will take the witness stand. Before swearing the witness the Secretary will note the witness Kosmehl was excused from the stand last evening. The record will show that.

KURT BLOME, a witness, took the stand and testified as follows:
BY JUDGE SEPRING:

Q The witness will please raise his right hand and be sworn, repeating after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SAUTER (Counsel for the Defendant Blome):

Q Dr. Blome, how old are you?

A 53.

Q I would like to have details about your past life, are you married?

A Yes.

Q You have three children, from two to seven years?

Q You went through a course of studies?

A Yes.

Q You became a doctor?

A Yes.

Q You studied in institutes and became a professional doctor?

A Yes.

Q And you started your own practice in Rostock?

A Yes.

Q As practitioner there in dermatology?

A Yes.

Q You were in the first world war, you were at the front?

A Yes.

Q In what capacity?

A As a Lieutenant in the Infantry.

Q You wanted to become an active officer?

A Yes.

Q And how did you decide for medicine finally?

A Before I became a soldier on the 1st of April 1914, I had already studied medicine for four semesters, then I fulfilled my military duty, and on the 2nd of August 1914 the first World War broke out. I went to the front with my regiment.

Q Please be brief, witness, because these details are not of special interest for the trial. Why did you decide to become a doctor, and why did you not remain in the army? I ask you these questions because in connection with your choice of the profession the prosecution has already made a reproach. Will you please give us your details?

A Yes. The prosecution reproached me that I had become a doctor in order to be a master over life and death. In this connection the prosecution refers to my book titled "Arzt in Kamp, Doctor in Battle," which I wrote in 1940 and finished in the beginning of '41. If the prosecution makes this assertion against me, that is not true. The quotation which the prosecutor has cited when taken from the context, does not justify that interpretation. The basic thought underlying my choice of a profession was the wish to help the sick. If in my book I frequently mentioned the important position which a doctor holds in the population, this was done intentionally and with justification, for the doctor actually is master of life and death. A good doctor means life and a bad doctor

means death. The aim of my work, as I shall prove in the course of my examination, and as is clearly shown by my book, was to create the best trained doctor with high professional ethics. My aim was to help in this great work. What I wrote in my book, from which this accusation is made against me, I should like to read briefly.

DR. SUTTER: Mr. President, this quotation from the book of the defendant Dr. Blome, entitled "Arzt in Kampf," Doctor in the Fight, is found in Document Book Blome, page 15, Document No. 5. It is the true quotation from this book. The book itself I have with me here. It is in the possession of the prosecuting authorities. "

MR. HARDY: Your Honor, it is suggested that this entire book written by the defendant be introduced under one exhibit number rather than having each extract containing a different exhibit number, in as much as the prosecution may well use sections of this book during the course of cross-examination, and I wouldn't want to be held to giving an exhibit number to various sections of the book.

DR. SAUTER: The whole book, Mr. President, "The Doctor in the Fight", is Blome Exhibit No. 1, so that the exhibit number properly includes all further quotations which I shall quote myself and which also will be brought by the prosecution authority, that is Blome Exhibit No. 1.

THE PRESIDENT: Do I understand, counsel, you are offering the entire book as Blome's Exhibit No. 1?

DR. SAUTER: Yes.

THE PRESIDENT: Has the book been translated into English?

DR. SAUTER: No. On our part only those parts have been translated which are reproduced in my book. I could not expect that from the translation department, to translate a whole book on account of a few pages, as I only want to have a few pages.

THE PRESIDENT: I understand counsel's position. Has the prosecution any objection to offering the entire book in evidence?

MR. HARDY: The prosecution desires that the entire book be offered as one exhibit number, and during the course examination if I see fit to use the book, I may have to just refer to the pages and have the defendant read it into the record in as much as we do not have the facilities at this time to translate some three hundred pages. So it would expedite matters to do it in this manner, your Honor.

THE PRESIDENT: There being no objection, the book of which the Defendant Blome is the author will be admitted in evidence as Blome's Exhibit No. 1.

The Tribunal has not received the Blome document books. Are they available here?

DR. SAUTER: They have been submitted some time ago. My document book has been submitted for translation on the 6th of February. That is quite early.

THE PRESIDENT: Counsel may proceed.

BY DR. SAUTER:

Q Dr. Blome, perhaps you will give the exact quotation, with which the prosecution reproached you concerning your choice of profession at that time. As I have told you, it is in the document book Blome, Document Number 5, page 15.

A After introductory general reflections about the choice of a profession by us school boys, I say the following in this book.

I quote: "What brought the medical profession nearer to us was more of a personal experience. Naturally we had an idea of the history of medicine and its great men. But at home, in the mood of life, we knew the physician as a personality of special character. So I always remember that from my ninth year I always fell ill with appendicitis with severe pains exactly at Christmas time. The fifth time, however, it was especially bad. The same doctor was always called by my parents and I had great confidence in his skill. This time the situation feared as much by my parents could no longer be avoided. Confidence in the doctor kept me from being afraid.

"If until then I had considered kindness the main characteristic of the doctor, I was now impressed by the clinic and by the doctor as its sovereign ruler. As I saw it, he was the last authority to decide over life and death of every individual. And what at that time impressed me especially, as a boy, was that even mothers and children needed the doctor, and that their lives also depended on his skill."

Q. This is the quotation from the book of the defendant, which at the time was submitted by the prosecution against Dr. Hilscheimer?

A. One cannot make a charge against a lawyer for choosing that profession, and one will want to accuse a lawyer of having chosen that career so that he could later become the master over the life and death of his fellow citizens.

Q. Witness, you already mentioned that you began your practice as a specialist in obstetrics, in Mecklenburg; then, you gave up that practice, why and for what purpose?

A. I set up this practice at the end of 1942. It was the largest practice of this type in all of Mecklenburg. I gave it up in 1934 for reasons which I have explained in my book. When, in 1931 I joined the party and SA, I did so at the expense of great sacrifice, because I wanted to help prevent Germany from becoming Communist. The National Socialist German Labor Party was, at that time, the only party which was a successful opponent of Communism, as things were in Germany at the time. After the first world war, through the Weimar Constitution, we had received a form of Government which calls itself democratic, but which in reality was merely a distorted picture of a democracy.

In the course of the years from 1919 on until the time which I have just mentioned, 1931, this Government had demonstrated itself inefficient, which is clearly shown from the enormous collapse of economy and from its millions of unemployed; which were not reduced but after some fluctuations always returned to the old level.

My friends and I were convinced that there was only one choice, that was the choice between German Socialist and Communism. In those years, we gave our consideration as to whether we should not join the Communists, as a small party of the so-called intellectual circle of Germans had done. The most important reason for our rejecting Communism was its dictatorial form of Government. That National Socialism would ever develop into an absolute power I did not suspect at the time.

Q. Witness, in this way, and from these motives you joined the Party. What attitude did you develop in the ensuing time in the Party and its institutions, and what rank did you hold in the Party as well as in the SA, and otherwise?

A. In the Party I became Gauwart of the National Socialist League of Doctors at the beginning of 1932, and from 1934 on I became Gauamtsleiter for Public Health in Necklamburg. I joined the SA on the 1st of July 1931 as a Medical SA Standartenfuhrer, and a few weeks later I became Medical Oberfuhrer. After I had left active SA service in 1936, in 1941 I received the title of Medical Gruppenfuhrer.

Q. These were your positions and ranks within the Party and in its institutions?

A. Yes.

Q. Witness, yesterday, it was mentioned that you got the golden party insignia. Can you give us information when, and why, and for what reason you received the golden party insignia? Perhaps you could explain first under what conditions, normally, one received the golden party insignia, and why in your case an exception was made?

A. Normally the golden party insignia was given to people who had a membership number below 100,000, and had belonged to the party without interruption; but in addition golden party insignia were also given in individual cases to

awards of special merit, even if they did not belong to the party; and every five years, counted since the seizure of power, they were given to party members of special merit; thus in 1938, on the 30th of January, the Reichsstatenführer, Dr. Wagner proposed for me this award because of my service in the national and international medical training, but Hitler took up none of the list. Dr. Wagner reached an agreement with the Reichsleiter Hermann that the next time, of award, that is, five years later, on the 30th of January 1943, I was to get the Golden Party insignia. This promise was kept against the expressed opposition of my chief, Dr. Cinti.

Q. Witness, yesterday your differences with Cinti were already mentioned. Dr. Cinti unlike you was not a member of the SA but of the SS, an SS Gruppenführer?

A. Obergruppenführer finally.

Q. That was the highest rank in the SS, was it not?

A. Yes.

Q. Were you also a member of the SS?

A. No.

Q. In some document I read that you were asked to go from the SA to the SS. Is that correct, and can you explain this point, especially about the motive why you did not join the SS?

A. That is true, that I was on various occasions asked to join the SS. At the end of 1933, or in the beginning of 1934, I was suddenly called to Berlin, and the Office of Reichs Physician SS was offered to me. I refused this because I did not want to give up my independence and practice for the sake of this position. I refused later requests because, according to my information, Wagner played an unobjectionable role in the murder of Roehm and other SA leaders. Also later the late Reichsstatenführer shortly before his death told me to avoid it that the Black Column, the parent the SD, does not belong to our office. Wagner and I were opponents of the spy system set up by the SD. We refused to have others spied upon and we did not want to be spied upon ourselves.

Court I

Q. Witness, in the course of the procedure, we will come to the fact that within the following years you were connected in some way with the Reichsleiter SS, that is Heinrich Himmler. I would like to ask you now if you did not like the SS, because it that later on you received assignments from Heinrich Himmler, the Fuehrer of the SS. Give me an explanation for this?

A. Yes. If I got from Reichsfuehrer Himmler the most important assignment of a number of years for biological warfare, I could fulfill this task only if I collaborated with the officials which were responsible for the water measures against such warfare. One of the most important men in this connection was the Minister of the Interior who was in charge of the fighting epidemics, and the Chief of the German Police, and these posts were held by Heinrich Himmler. That is the reason why I cooperated with Himmler in this field.

Q. Witness, you were not at all responsible in this trial. I would like to give you information about the positions you held in the Reich during the years. Please give me information and tell us which ones of them it was a Government official and whether it was a District Office or whether it was a Party Office, and whether it was.

A. At the end of 1934, when I was in Saxony, I became Adjutant in the Reichsfuehrer of the German Police in Berlin. At the same time, I was given the position of Director in the Reichsfuehrer of the physicians which later developed to the Reich Chamber of Physicians. In 1935, I became Deputy for Development of Official Study of the Reichsfuehrer in Germany. In 1939, I became Deputy Reichsfuehrer of Physicians, (Deputy Reichsfuehrerscheiter), and at the same time I became Deputy Chief of the main office for Public Health at the Party and of the Reich Chamber of Physicians. The Reich Chamber of Physicians was the main office. I believe the Reichsfuehrer of the Reich was also, but I was not a member. The main office for Public Health and the Reich Chamber of Physicians were the main institutions in the Reich and there were many other parts.

Q. Witness, did you apply for these positions which you held during the years of years, or did you get these positions, and why did the choice of

ability to detest so-called creatures', that is, willing tools in the hands of their superiors.- He therefore selected for his close associates men with opinions of their own, and courage. He thought he had found such a man in me, and I do not believe that I disappointed him in this respect.

Q Witness, the witness whom we heard yesterday, Dr. Koenig, told us that it was mainly a matter of instruction for doctors which you were interested in. Was that one of the tasks on account of your office and what most essential accomplishments did you do in this respect? Would you please tell us about this?

A The post-graduate training of doctors was among my duties as deputy-post-graduate in medical training. Until the law for the establishment of the Reich Chamber of Physicians in 1935, post-graduate studies were up to the choice of the individual doctor. Most doctors had not participated in any such course in their whole life. On the basis of the experience of Dr. Wagner and myself as practicing physicians, we considered it right, in the interest of public health and also in the interest of each doctor, to make post-graduate study a duty for the doctor. That was done in the law which I have just mentioned. Every German doctor had to take a three weeks course every few years. This was in general medicine. All doctors had to participate in this training with the exception of Government officials, university teachers, heads of large hospitals, and similar people. Specialists also had to participate in this general training, for it had been discovered that the specialists, in particular, lost contact with general medicine in the course of years and decades, and considers, more or less, only his own specialized field and neglects the general picture of the human being; and in addition to this general post-graduate study which was a duty, I created a num-

ber of voluntary medical courses. I knew that in the beginning the doctors would object to this compulsory post-graduate study, but in order to convince myself that my arrangement was right, I openly called upon all German doctors who were taking a post-graduate course to report to me directly, personally, and not through official channels, to tell me their impressions and their experiences in connection with these training courses.

I received hundreds of letters. They said at first we were afraid of it, we opposed it, but all the letters closed with recognition and approval of this new organization. It is interesting to note that in spite of the compulsory post graduate study, voluntary training in special fields increased enormously throughout Germany. This was characterized especially by the fact that more foreigners than ever attended our medical post graduate courses.

Q Witness, in connection with your aim to raise the standards of the medical profession and of the medical science, the witness Dr. Wossonel, I believe it was, told us yesterday that an international congress for medical instruction courses in August 1937 was organized by you; is that true?

A Yes; that is true.

Q How many nations were there in this congress?

A After a medical post graduate training in Germany had begun with obvious success, I decided on the third international post graduate medical training congress in Berlin, 1937. I myself was president of this congress. 44 nations participated in this congress. I had an opportunity to acquaint all these foreign representatives with the new medical arrangements in Germany, and on the basis of the recognition of these international circles I decided to submit a motion to the congress; that is, that an international academy for post graduate medical studies should be created. This suggestion was accepted without objection, and for the coming year, that is for 1938, the establishment of the academy in Budapest was decided upon. This ceremony took place in Budapest in 1938, and numerous nations participated; and at this congress, after the charter which I had suggested was accepted, I was elected president of the permanent bureau of this academy.

Q. Witness, about the Third International Congress in the year 1937, which you mentioned, we have a report, which I have in my hands, with contributions of a number of medical scientists, German and foreign. One of these contributions is your own, with the caption: "Organization of the German medical training." This article is yours?

A. Yes.

DR. SAUTER: For this trial, the most important thing, Your Honor, you will find in the supplement volume of Document Book Blom, page 1 to 4, Document 9. It is an excerpt from the report of this congress. I have here, Your Honor, this book, which I should submit to the Tribunal, but as I have this letter--I received this book from a library and I have to give it back. I don't know, Your Honor, whether under these circumstances it is necessary to submit this book and not see it again. That I would not like, Your Honor.

THE PRESIDENT: Has this book been exhibited to the prosecution?

DR. SAUTER: The prosecution will not be interested in the latter part of the book. The parts that are of interest are in the Document Book Blom, Document 9.

THE PRESIDENT: I understand that, counsel, but the prosecution will be entitled to know where the printed volume could be found if they desired to consult it at some future time.

DR. REARDY: Your honor, I have no objection to an admission of the expert Dr. Sauter certifies that this is a true extract and gives a sketch of just what the book is, and where it is published and where it may be made available.

DR. SAUTER: If the prosecution authorities would like to borrow this book for some time, in order to examine it or have it examined by the medical experts, and to submit excerpts

from it themselves, then of course the book is at the disposal
of the prosecution, only I would like to have the book back.

THE PRESIDENT: Is the information requested by the pro-
secution contained in your document book?

MR. BARDY: Yes, Your Honor.

THE PRESIDENT: Very well; counsel may proceed.

BY MR. SAUTER:

Q Dr. Blode, in this book, in this report of which we
are talking now, you have, as I can see, with special emphasis,
pointed out two things, and I herewith ask you whether that is
correct? So that I don't have to read the whole report and
take some time, the first point is, that also the practicing
physician and the licensed doctor must go through a certain
training in order to reach the necessary heights of science,
and the other point, which I can see from your reports is
your special emphasis that also the specialists must not only
treat one part of the body, but that every doctor must always
look at the question of wholeness, of completeness of the body,
of the human body; is that correct as I see it?

A Yes; that is correct. The specialist gradually de-
veloped to be too specialized, and it is beyond all doubt

that a disease cannot be considered merely from the point
of view of the eye, but that very frequently other parts of
the body, other organs are connected with this disease, and
it is the same in the case of other specialties. Therefore,
I considered it important that every doctor in this compulsory
study should refresh his knowledge, and should learn the new
things in the field of medicine as a whole. In addition to
this I gave him an opportunity which had never before existed,
to train himself as a specialist.

Q Your Honor, the excerpt from this book, of which I would ask you to take notice so that I do not have to read the whole, is Document No. 9 in the Document Book Supplement, Volume Blome, page 1. With your permission I shall give it Exhibit No. 2.

Dr. Blome, as you have heard from the opening speech of the Prosecution, you are reproached for activities in connection with the home for doctors Altrose. You remember that the witness Dr. Kosmahl spoke about Altrose yesterday. In supplement of this could you tell us some more? Could you tell us some details which would be necessary for the Tribunal- anything of significance?

A Altrose was the leader school of the German medical profession. It was the institution and property of the medical profession. It was not a matter of the Party. Wagner and other important people in the medical profession after 1933 decided that the training of doctors should be taken into our own hands and not left to any training officials of the Party. The law on the establishment of the Reich Chamber of Physicians says that it is the legal task of the Reich Physician leader, first of all, to give post-graduate training to doctors, and in the second place, to train them in health politics. This matter was of post-graduate training, the purpose of Altrose. Altrose was under me. The responsibility for what was done there and taught there is borne by me alone and I am glad to bear this responsibility. What was taught there was decent and good. It was morally and medically on a high level and it can be defended before the world. Lectures on human experiments were not given there as the Prosecution assumes. The main purpose of this training was to take the doctor away from materialistic things into which he was unfortunately forced after the period of the first World War by all the unfortunate conditions. In this connection I should like to mention one more thing I have noticed - that two defense counsel have asked their client on the witness stand "Did you attend any training course at Altrose?" And, the defendant truthfully said, "No." I can understand this question of the defense counsel only for, of course, I have thought about it - to read that the Prosecution has asserted that everything criminal in the German

medical profession was taught to them by the training at Altresse. I should like to state very briefly in this connection and to make it unnecessary for other defense counsel to ask the same question which two already have asked. None of the twenty doctors in the block with the exception of myself ever participated in any course at Altresse either as a student or teacher. The Prosecution has asserted that the criminal spirit of Doctors of the Third Reich was taught there under my responsibility.

Q. Witness, in connection with this medical school Altresse the Prosecution authority in session of 9th of December, obviously meaning you, have said, I quote: "The so-called comrade relationship and sports activities was only a camouflage for political supervision and espionage and further that the participation in these courses became a duty - one had to go through five years training - every year a few weeks training. One has reproached you on part of Prosecution authorities. Will you answer this?

A. The Prosecution has apparently been misinformed. Otherwise they would not have said that I am convinced. Participation in courses at Altresse was voluntary. There were so many applications for course from Party members and non-Party members that far from all applications could be considered. Moreover, there was no political supervision of those who took these courses. In the contrary Dr. Wagner and I were supervised by the SD at Altresse. Everyone could open his mouth there and express his opinions openly. Altresse was the place of out-spokenness and Wagner and I repeatedly spoke quite openly about everything that we did not consider right in the Third Reich and we quite openly object to things we did not consider right. The result was that Wagner was repeatedly called in to Bormann - was given a reprimand and Bormann said that Wagner and I should be careful - we should keep our mouths shut or something would happen to us. Wagner was not much affected by this. He once said to Bormann, "I don't give a damn. If this goes too far for me I will go to Hitler and will tell him something and he will agree with me." As far as our public opinion was concerned and the training of our doctors we had such an opportunity without the German Reich that all other professions envied us for this position of ours. Besides not only doctors were trained there at

Altrose it was also available for midwives, dentists, and pharmacists. And, if you can imagine that the highest number of participants in the course at Altrose was 128. That we had to have a vacation of three months here in 1933, then one can see that it is nonsense to say that every German doctor had spent a few weeks at Altrose every year. If that had been the case then Altrose would not have been able to accommodate 128 people per course but it would have had to put a few zeros after 128. That is how I figure it according to Arvid Riese.

Q. Witness, I would like to ask you - that might be interesting to the Tribunal, what was the number of German doctors, approximately?

A. The number of German doctors in 1933 was about 60,000. At the end of 1944 there was 85 to 90 thousand including the medical officers of the Armed Forces and those doctors who had come to Germany through Austria and the Sudetenland.

Q. Witness, you are charged by the Prosecution, as you remember, to have not let the patient choose his own doctor, even if he is a member of an association of State insurance. If he cannot pay it will be paid by this association. In this connection one spoke about alleged attempts of the socialization of the medical profession and the elimination of this free profession. What was your attitude to these problems and how did you deal with this?

A. As for the overall question which you have put to me, I should like to add the indirect charge of the corruption of the German medical science. It is true, that in the years after 1933, there were serious misgivings about scientific development of medicine and that they were justified. I shared these misgivings myself. I never made a secret of this. The reasons were a certain opposition of the Party to academicians and also the inclination of the German people towards nature healing and quacks. Academic medicine, that is, so-called "school medicine", was frequently disavowed by important people and the lay healer in Germany was admired by these people. Thus, Dr. Wagner, about the beginning of 1934, had to invite the lay healer who treated Hess to a meeting of doctors at Munich. Hess took part in the beginning of the meeting himself. But this did not prevent us, and prevent Wagner specifically, during this meeting from having this man who was treating Hess arrested by the police because of fraud which was proved. This example is only a small contribution to the discussion of the situation in which we found ourselves. To clear up the question in Germany was in line of the National Socialist League of Physicians from the time before 1934, and it was Karrow's doing that the so-called "new German medicine" was created and this was frequently made fun of, but unjustly. It is the synthesis of school medicine and nature healing, but the science is the foundation of it. This is an absolute principle. I frequently stated that in speaking and writing; that nature healing gave us excellent suggestions for scientific medicine and always had. I need give only a few examples that the so-called therapy of experience that is nature healing is that of digitalis to scientific medicine. For example: quinine, Vitamin C and D, colchicin, atropine, caffeine, all the opiates, valproic acid, and the therapy of climates, which, in spite of centuries of rejection by scientific medicine, proved itself. Then the therapy in pericarditis, and, finally, exercise therapy under Karrow in post-stroke paralysis, a therapy which was introduced by President Roosevelt. Without this basis of the new German medicine with which I worked with the attending representatives of science, it would not have been possible that in 1939 I succeeded in having the lay healers deprived by law of their right to practice. When the present law, in October, 1938, was made the subject of a discussion with the leading

are policies of the State and Party by Hess personally, I could only make my
own prevail by referring to this new German medicine. The defendant Schmidt
now, on the witness stand, briefly referred to this meeting. I should like to
add merely that, in addition to Hess, various Gauleiters and Reichsleiters
attended this meeting. Among the Gauleiters, for example, was Julius Streicher,
now Gauleiter of Lower Oldenburg and whom it was intended would become
Health Minister; and a number of the persons who were more or less opposed
to the medical profession. When the law was almost lost I turned to Hess,
who was sitting to my right, and I said to him: "It was you yourself, Mr. Hess
who stood before the new German medical science by giving your name to the
Rudolf Hess Hospital." I completed my statements and I said: "If you gently
speak to me, in addition to the doctor, the lay healer is to be given legal
recognition, then you will be the death of the new German medical science."
I don't believe that I could speak any more clearly than that. I regret
that the Prosecution has not submitted any documents in this connection. There
is a record of events concerning this law - I put this to one side. It was not
destroyed with the other documents. It was put into American hands at my
investigation. I considered it my duty to preserve these documents as a document
of medical cultural history. It was a time when the doctor was fighting for
his dignity in medical science. It can be proved that I have always endeavored
to preserve the rights of German science and I did so with success. All German
scientists and specialists of any reputation had a part in the training of the
German medical profession. My office chiefs had instructions from me to get
the best men as teachers without consideration of Party membership. I expressly
and repeatedly pointed out that medical post graduate training is not an
exclusive Party but of specialized knowledge and ability. That that
training, from 1935 to 1939, was improved there is no doubt at all for any
objective observer, and I believe that if German medical post graduate
training had been as poor, and the level of the German medical profession as
low as our opponents like to say then I would certainly have not, in November,
1938, received an official English invitation to London to give a lecture on
German medical post graduate training. I received this invitation through the
head of the first English post graduate training, Colonel Proctor, who knew

A. German training system very well and who was on the Board of the Third International Congress and was also on the Board of the International Academy. In connection with the training of the medical profession I must refer to two other circumstances. It is due to me that the students in their pre-clinical studies were given the obligation of performing nursing service. This was an arrangement which the prosecution witness, Professor Leibbrandt, had to acknowledge had its value, and I also introduced a three months' period of working with practicing doctors or in hospitals.

Q. The expression "Familiatur" was not understood by the interpreter. Will you please repeat the expression "Familiatur"?

A. I have introduced the arrangement that every student, during his clinical studies, had to spend at least three months with a recognized practicing physician or in a hospital as a "familiar" - that is, practicing student - before his state examination. This was an arrangement which had not existed before which only helped the training of the German doctor.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHALL: The Tribunal is again in session.

Dr. J. G. GUTH:

Witness, we stopped at your explanation of the charges against you that you were partly guilty of being responsible for the decline of the standard of the German medical science; would you like to add something to this point, or have you finished with your explanation?

A I would like to lay stress on the following fact, with the fight to negate the right of the unprofessionals and nature healers to practise, I achieved the consummation of a wish that has been the doctor's wishes for seventy years; for seventy years any ignorant person or crack-pot could, if he wanted to, inaugurate a physician's practise, hang out his shingle, call himself a professional and thus he turned loose to the general detriment of mankind. Please let me state also the following, and this is an assertion that no one could refute if he examines it objectively; I state that if all professional organizations and associations of the Third Reich were as decent and had been directed as decently and with such a spirit of responsibility as the German physicians, then this war that began in 1939, and the casualties that are associated with it, would not have taken place.

Q Your Honor, it was my intention to submit a book to you in this connection, which was initiated by the defendant Blome and came out in 1940, which was published by G. Fischer of Jena and bears the title: "The Latest Science as Seen By Their Creators." This book deals with a number of lectures, which were held by members of his Berlin Academy for medical instructions in 1940, which was published by the Berlin Academy for Military Instructors, this is the academy which the Defendant Blome created.

This book was dedicated to the German Medical Society and was supposed to instruct them about latest research in a short way and was for their information. I shall wait with this and I shall submit this book at a later point, because the translations from this book are not ready yet and there is a point in giving you the German text only if the translations are not at our disposal. But, Your Honor

THE PROSECUTOR: May it please Your Honor, the Prosecution respectfully request

that these books be made available for our perusal after Dr. Sauter finishes using them after his brief examination.

DR. SAUTER: Certainly. Your Honor, I would like to ask you now to take note of the documents, which are contained in Document Book Blome and a supplementary volume 1. These are contained in Document Book Blome on Page 11 of Document Book No. 3; a letter of Professor Dr. von Bergmann. I repeat Document Book Blome, page 11; Document No. 3, a letter from Professor Dr. von Bergmann, director of the Second Medical University Clinic in Munich.

The other Document, which I shall make use of now, is a letter in the supplementary volume, page 23, Document Book Blome, page 23, Document No. 13; a letter of Professor Dr. H. Martius, Chief of the Women's Clinic at the University of Goettingen.

These two persons are well known in Germany through their anti-fascist activities; they are both certified by the American occupation and they have been instituted in their offices. They are two scientists who are famous all over the world, their names are famous all over Europe.

DR. HADY: May it please the Tribunal, both of these Documents referred to, the English copy in my Document book, contain no error; I wonder if the German copies have been sworn to; do you have the original exhibits, Doctor?

DR. SAUTER: No, Your Honor. These documents need no affidavit for the following reason, these two professors who sent me these certificates are Directors of University Clinics. The universities in Germany are not private institutions, but public institutions and institutes of public law. The Directors of such institutes are public servants. The documents, which are signed by such officers within their authority, are legal documents, public legal documents, and such documents need, according to German law, no certification or signatures of their writers.

I, therefore, assure Your Honors that it is the same in America. I can not imagine that in the United States a judge who signs a sentence or some legal official who submits a copy of such a document; that he should go to the Notary Public in order to have his signature certified, otherwise there would be no public legal documents.

I, therefore, present the point of view that the rule of the Tribunal, about this certification of Documents and affidavits, can not be carried out, if it is a matter of public documents of a public servant or of a civil servant, which he writes within the authority of his office.

I may therefore point out that the Tribunal, if I am not mistaken, in other cases has also asserted themselves on the same point of view and until this point, for instance, I have not seen the Prosecution have any doubts to make use of sentences and other official documents, although the signature of these documents was not publically certified. This is not necessary as the difference is between the public servant and the private individual and the difference between the public legal document and a simple private document.

I would also like to point out, Your Honors, I do not think that a high official can understand or see my point if I would return the Document, which he in his capacity as a public legal servant, in his capacity as a director of his institute, has sent to me. He would not understand if I would ask him to go to a Notary Public and to have the signature certified; he would not understand it, Your Honors, if the Prosecution would not certify publically the statement because it has not been stamped.

MR. HARRY: Your Honor, in view of comment of counsel, I must object to the admission into evidence of these two documents. These documents appear to be testimony of fact concerning the defendant Blome, testimony as to personal knowledge on behalf of affiants. They are no semblance of a legal instrument as prescribed by this Tribunal and have no promise executed in lieu of a note, and there isn't any evidence that they are executed in their official capacity.

Furthermore, they are not testifying as to facts of state interest. They are testifying as to facts concerning the personality of Blome, and I add in passing, that if I were on trial and Roosevelt or Truman executed an affidavit in my behalf, I would be ready to assume that they must also have their signatures sworn to. Therefore I object to the admission of these documents into evidence.

THE PRESIDENT: In their present form these documents are entirely inadmissible in evidence. The prosecution's objection is sustained. Of course, the documents may be completed and offered again in their proper form, but in their present form they are entirely inadmissible.

MR. SATTER: Your Honor, I do not think I shall do this because I believe that these gentlemen who are well-known all over Europe would not understand if I would ask them to do this. I shall, therefore, ask these two gentlemen to come to Nurnberg as witnesses. I am afraid that these two gentlemen in question will not understand this either, but I shall draw the consequence from this. In the future I shall object to all documents of the prosecution if they are not certified by a notary public because what the defense counsel have to do can also be asked of the prosecution authorities, and the right of the prosecution authority is also the right of the defense counsel and, therefore, if I have to have these documents certified, the same applies to the prosecution authorities.

THE PRESIDENT: These documents would certainly be refused by the Court if offered by the prosecution if I heard any objection by the defendant. If counsel desires to request the attendance of these wit-

nesses, the Tribunal will approve the request.

BY MR. SAUTER:

Q. Witness, you have heard that I am not in the position to submit these documents here. Do you know these documents?

A. Yes, Yes, I do.

Q. What do you know about the writer of these two documents? One is Professor Dr. Von Bergmann and the other is Professor Dr. Martius. Please be short if I may ask you.

A. Professor Bergmann was until the end of the war director of the Second Medical Clinic Charite in Berlin, and thereafter was director of the Second Medical Clinic in Munich with the specific authorization of the American occupation authorities. He is the recognized internist in Germany with an international reputation to be compared with only a few people in the whole world.

Professor Martius in Goettingen is director of the Gynecology clinic, of the women's clinic. I believe he took on that position in 1933. He had nothing to do with the Party but despite the law relating to public officials and despite efforts made against him by Party officials he could not be deposed despite the fact that he has some Jewish blood. He also is a person of international reputation as a teacher, university professor, and is internationally known as a gynecologist.

Q. I will not deal with details of these two statements. I am interested in the following —

MR. HARDY: Your Honor, I object to any further comment by counsel on these two documents. They have been ruled out here in this case and further comment is unnecessary.

THE PRESIDENT: Counsel made no objectionable comment about the documents. Counsel may proceed.

MR. SAUTER: I did not understand this.

THE PRESIDENT: The Tribunal rules that counsel for defendant Bloch had made no objectionable comment about these documents and that counsel might proceed.

BY DR. SAUTER:

Q. Dr. Blome, in the session of 20 February the defendant Professor Dr. Roetock gave evidence here and stated that Conti continually tried to make political parties a part of the medical science and the German Medical Association. On the 20th of February Dr. Roetock stated further that Conti had a plan to close down the German medical institutes, universities, to eliminate the literature, medical literature, and so on.

Perhaps you could tell me, not in detail, whether it is right, whether it is correct that you, in the interest of medical education and in medical standards, fought against these regulations on the part of Dr. Conti although you were his subordinate. I would ask you, Dr. Blome, not to deal with your relationship to Dr. Conti in detail. This will come up later. Please only talk about this particular point.

A. It is true that Dr. Conti interpreted his office almost exclusively as a political one and that he used his training as a physician only as a reasonable excuse for his holding that office. It is true that there was a plan in 1943 to close the German universities in order to send all the students either to the front or to the labor forces. However, it was not Conti alone who pursued such plans. I believe that Goebbels also played a role in these plans at that time. At any rate, those who participated in this, the circle of them was not specifically limited. Furthermore, in the year 1934, allegedly to save paper, a large number of newspapers and periodicals were limited, including scientific periodicals.

At that time there were negotiations in the Reichpressekammer or in the Reichsschrifttumskammer, the Reich Press Department, and I took part in one such conference. There were present various gentlemen and representatives of various organizations and they spoke systematically about the scientific periodicals. At that time I protested very energetically against the limits that they were attempting to put on scientific periodicals and did bring it about that the limitations were of a minimum. I further know that against the measures to close the universi-

ties Professors Brandt and Rostock also protested energetically. Thereupon, I had a considerable difference of opinion with Professor Conti, and the consequence was that I was thereafter excluded from attending such conferences.

Q. Dr. Blane, I believe that you gave a wrong date. This paper shortage was in '43.

A. My error. I meant to say in '43, not '34.

Q. Dr. Blane, you remember that the prosecution and the expert, Dr. Leibbrandt, also charged you with permitting so-called "nature science" laymen to practice. This, for instance, is the case of Dr. Kersten, whom we have mentioned twice. Perhaps you could give us a report. How many of these laymen were allowed to practice in Germany and why in individual cases were they allowed to practice?

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A. The creation of the A-C-B. Office for Nature Healing was a necessary compromise. I had to strike with those in order to be able to pass the law that forbade lay people to practice. I could enter into this compromise with out realizing because in the last analysis, the regulations that determined whether or not a person could become a physician in nature healing depended upon the approval of the Reich Physicians' Chamber.

In the course of time, only one such physician was approved and that was Korsten, the Jewish physician, medical counselor. I knew that Korsten was a large international practice. He treated everything pure and simple from all over the world, from politics, the arts, scientists and he also treated members of the Reich and English Royal Society. For part of the year, he practiced in Sweden for whom he received official approval from the German government. Thus, the conduct of the Reich Physicians' Chamber of course assumed no role, that now such votes for nature healing were being indiscriminately approved.

As a matter of fact, there was only one such doctor.

Q. Dr. Hest, I would like to ask you some general questions as they were before I deal with the other points. The precautions will be as for Kaiser Leibman have shown how German-Jewish doctors were excluded from practicing; how they were forced to wear a David Star, to have a Jewish First name, to have only Jewish patients, and how they were not allowed to practice at all and such like. I would not like details in this letter as Dr. Kosmohl already dealt with this question yesterday. I would like to ask you, though, as the chairman, did you participate in these measures against your Jewish colleagues?

A. Surely, we ordered these measures? Was it the Medical Chamber or the government was it? What does it all mean in this letter?

A. First of all, I did not participate in this. Secondly, it was a matter of carrying out general laws or visit as such and not only the Jewish physicians wore the Star of David, but every Jew wore it. It was not as if the Jewish physician was compelled to carry a certain civilities, but every Jew

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security; in Genti's plans to sterilize German women and create a so-called Reichsgesundheitswerk and then also in many other important questions. For example, in 1941, Genti conceived the plan of sterilizing the Polish intelligentsia.

Regarding personal relations with Genti --

Q. Just a moment, Doctor. I would like to interrupt you. You have told us in your position as you work as a deputy of Doctor Genti in the Third Party Health Office of the NSDAP. I am interested in relation to the euthanasia program, in the following: Did you also act as Genti's deputy in the national sector of the health program?

A. Yes. I did not represent Genti in the national or the governmental sector, but did I do so in September of 1939, when Genti became State Secretary of the Reich. If I had not assumed this position, then I should have, although I was not at that time because it is my duty, that the Reich Physicians' League could not have been the State Secretary in the Ministry of the Interior, and thus more or less be his own supervisor. After Wagner's death, when I was a potential successor to him, which Minister of the Interior Hitler called to take over the position as a State Secretary in the Ministry of the Interior. I refused that, and as a result, with the justification that I have just given you. I was not Genti's deputy or leader of the Civilian Health Service, after he had not been a Minister nor General for public health. In that case, the Reich had not created a difference between Genti's function in the Government and the function in the Civilian Sector.

Q. Unless, you have personally with Dr. Genti said in detail about the position between Dr. Genti and you. Did you not say

A. In the instance of Genti, I would like to ask you is it not true that Dr. Genti was a physician and a doctor in your mind? Did you not say all this?

A. Yes.

Q. And you like to say something special, something personal which

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Dr. Kerschel has not mentioned? Or are you satisfied with all Dr. Kerschel said?

A. No. I should like to speak also of my relations with Conti only in our official capacities. I do not believe that the other considerations are relevant.

Q Dr., you, therefore, agree what Dr. Kosmehl stated as a witness yesterday?

A Yes.

Q I am interested especially in one thing, when Dr. Conti received orders from his superiors or if he passed such orders on to his subordinates or vice versa do you know about these matters, were you told about them so that one could assume that you knew about the activities of Dr. Conti, or was this not the case. Perhaps you could tell us about this question?

A No, that was not the case. A great number of very important matters, particularly those of political interest, were kept from my knowledge. This resulted from the basically different attitudes that Conti and I had regarding politics and the medical profession in general. It must be added that never when I differed in my opinion from Conti, did I refrain from expressing it openly. Often these expressions of my opinion on my part did not fit into Conti's political plans and the consequences of that naturally was a certain alienation and a growing distrust on the part of Conti toward me arose. However, I was not afraid, if necessary, in order to avoid an error to pursue other channels, to turn frequently to the Party Chancellery or Party Member Barmann, and that brought it about that Conti forbade me by a specific order not to turn either to the Reichsministers, Reichsleiter or Gauleiter or write them any letters.

Q Witness, perhaps you could answer with a short yes or no the following questions: Is this correct, the statement of Dr. Conti to the effect that Dr. Blome, that you, Dr. Blome, repeatedly put your office at the disposal of the Chancellery and Dr. Conti, and that had the intention of going back to your private practice?

A Yes, that is true. I offered to resign.

Q Professor, you have heard that the Prosecution is very keen to have the certified that Dr. Rostock and Dr. Gebhardt had their rooms in the same building, and from this fact, that they discussed that it was not very likely that one person in one room wouldn't know about the activities of the person in the other room. Only for this reason I would ask you to let me know and

tell us, did you also work in the same house with Dr. Conti or were your offices and those of Dr. Conti's in different houses?

A After April 1939 we were parted. He had our offices both in the Haus der Deutschen Aerzte on Lindenstrasse. In 1940 the Haus der Deutschen Aerzte was hit by a bomb, knocking out a few rooms, and Conti moved to Wilhelmstrasse into the building of the Berlin Party Chancellery. I remained in the Lindenstrasse. Then during the next year I was asked several times by Conti to transfer my office to the building in which he had his office. He had moved several times. I always was able to prevent this and until the conclusion of the war I kept my office in Berlin in the Lindenstrasse.

Q You have noticed, witness, that I said in the statement Kostock and Gebhardt, and the names mentioned were Kostock and Professor Karl Brandt, but that does not change your statement.

A No, it does not.

DR. SAUTER: I would like to say the association between Conti and Blome, I would not like to add anything to it here because that was mentioned by Dr. Komochi here, but at the end of the interrogation of Dr. Blome, I shall submit two affidavits which have been certified in the proper manner, as they are private letters; namely, of one from a certain Adolf Witmann and Dr. Dingeldey who was in the Chamber of Physicians. I only point out this now, the documents, so that these two affidavits can be admitted later on. The exhibit numbers of these affidavits will be given later.

Q A few short questions, Dr. Blome, the answers of which can be given in a short and concise form. You were a specialist on cancer research and in 1943 you received a new office as plenipotentiary for cancer research in the Research Office of the Reich.

A That is true.

Q Perhaps you can tell us shortly as you were a member, and I think, a leading member of the Research Council, what was the task, how was the position arranged and how did it work. I should only like you to answer these questions in order to give us a complete picture which we have already received by other people, but in order to complete it?

A In 1942, a new law was promulgated for the reformation of the old Reich Research Council. I belonged to the old and new Reich Research Council. The president of the old one was Dr. Becker who was succeeded after his death by Auet. The president of the new council was Hermann Goering. The purpose of reformation was to coordinate and centralize to a greater central research in Germany. The president of the Reich Research Council had at his disposal for carrying out of his business the following: First the Planning Council whose director was Professor Menzel. This was in charge of all administrative and financial matters of the Reich Research Council. The research activities of the Reich Research Council was justly in the hands of the leaders of specialists under the plenipotentiaries. Later others joined this group who were commissioned for lesser tasks. The specialized leaders were specialists in the field of medicine and science, for instance, physics, chemistry, and so forth. Beside these specialists, leaders on an equal level, there were the plenipotentiaries. There were plenipotentiaries in the following fields — may I interrupt to say I was the plenipotentiary for cancer research, and also on matters to combat biological warfare. There was a plenipotentiary for atomic physics. In other words, there were very specific fields of investigation which were particularly important during the war. These specialist leaders were immediately subordinate to Hermann Goering, and because of the medical nature Goering was the only one who could give them orders or instructions. Specialized leaders and plenipotentiaries determined what research was to be carried out and by whom, and in commissioning certain persons for research, and of the personal equipment which was put at their disposal. The arrangement, and so-called priority sequence was done through the War Economy Department of the Research Council. He assigned priority numbers depending on the pressing of the problem, and I believe the armament industry made available certain contingents. Dr. Grauer who was in charge of the of the classification informed the specialist leaders and plenipotentiary so far as he had the priority numbers at his disposal. Research orders given in this way went directly to the Reich Research Council or University or Clinic Directors, and they

received assignments for this for themselves and their collaborators.

Q I will ask you a question tomorrow Dr. I think it is time, and I think that the President wants the Tribunal to adjourn.

THE PRESIDENT: The Tribunal will be in recess until 0930 tomorrow morning.

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 14 March 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please Your Honor, all defendants are present in court with the exception of the defendant Oberhouser who is absent on account of illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court save the defendant Oberhouser who is excused on account of illness, being in the hospital.

Counsel say proceed.

MISS BLOM - Recused

DIRECT EXAMINATION (Continued)

BY MR. SAUTER (Continued for the defendant Blom):

Q. Professor, I would like to remind you that today you are also under oath. Yesterday you told us before the court adjourned about the Reich Research Council, and you told us that within the Reich Research Council there were department leaders and plenipotentiaries. I would like to know today how the Reich Research Council worked. As far as I know, the Reich Research Council brought orders and gave them to various scientists. Is that true?

Q. Can you give us a detailed account of how these orders were given out? What I am interested in is - I would like to have clear information - did the Reich Research Council as a central office make any inquiries about the problems of, for instance, food, and questions of the army, and on the basis of these examinations did they give out orders?

This would have been one possibility. The other possibility is this. Did individual research workers who dealt with any problems - did these men approach the Reich Research Council and did they report about the problems with which they were dealing with at this time, and which problems they wanted to examine in the future? And did these scientists on their own accord ask for permission or make the proposal that they, or their assistants or their institutes, be ordered to examine these questions and be financed by the Reich Research Council? These questions, Professor Stone, I would like you to answer clearly, so that the Tribunal has a clear idea about the way the Reich Research Council worked and its tasks.

A. I only know about the last case. I know no cases in which the Reich Research Council by itself had dealt with the source of these problems or decided which problem was important, and had approached the scientists themselves and asked them to work on these problems. In my own sphere I only know cases in which scientists and research workers or institutes applied to the Reich Research Council, or approached me directly and asked me to give them a certain order and financial and personal support.

Q. So it was, as a rule, that the initiative came from the outside, from the scientists and the institutes, to the Reich Research Council?

A. Yes.

Q. And how was the order given? Did the specialist leader (Fachabteilungsleiter), viz. the departmental leader or the respective scientific control, the individual specialist leader who was an expert, give these orders himself, or did the entire Reich Research Council or a major section of it have to meet in order to decide these orders? How was this, Professor?

A. No. On the basis of such requests no sessions or discussions took place. It was rather a matter of the specialist leader, or the plenipotentiary, to give these orders. In this respect he was only responsible to Goering. There was no possibility of objection or protest

on the part of the management or on the part of the President's Council. I may quote an example. One day Dr. Conti approached me; I should give a certain order to such and such a scientist. As I did not agree with this particular order, I refused to give this order, for nobody could give me orders except Gearing.

Q. When such a request arrived, which, for instance, came into your province, then you decided yourself, personally, either to give this order or to refuse to do so, or you discussed this matter with one assistant?

A. Yes.

Q Is it also correct to deduce from your statements that the chief of one department--shall we say Geheimrat Sauerbruch for Classical Medicines--was absolutely working on his own and had nothing to do with the chief of another department. For instance, he had nothing to do with your own department for cancer research? And that one plenipotentiary director of a specialist section was not even enlightened about the tasks of another department.

A What you say is true. What the one did, was not the other's concern. I had no possibilities to tell Sauerbruch anything about his own matters, and he had no possibility to tell me what to do. Only about the entity of all assigned tasks of all specialist leaders (Fachabteilungsleiter) and plenipotentiaries an orientation of the entire Reich Research Council took place; that happened every six months every director of a specialist section gave a general report about the tasks, given him. These orders were collected and printed and copies were sent out to all concerned.

Q Was the purpose of these summaries--was the purpose to inform the individual responsible official, as for instance, you or Geheimrat Sauerbruch, what assignments were given by other members of the Reich Research Council so that the same problem was not given out in different assignments to different scientists, or did this orientation, given from time to time, serve another purpose too?

A I should like to correct one expression which you used. You used the word "official." We were no officials of the Reich Research Council; we were not paid for our activities. Our word was honorary. I have never received a salary from the Reich Research Council--not even so-called per diems. What I would like to say in order to correct your expression "official."

As far as these reports were concerned, their purpose was mainly, in my opinion, to inform Goering and the members of the President's Council, generally. It was not the purpose of these reports to give information in order to prevent the individual plenipotentiaries would prevent overlapping in giving assignments. The purpose of the new organization of the Reich Research Council under Goering was to transfer these various spheres to responsible individual men in order to avoid overlapping. I shall give an example: Schairer-Sauerbruch was responsible for the whole sphere of medicine. A second man responsible for medicine, apart from special assignments, such as war and epidemic research did not exist. Therefore, it was determined that, with the exception of biology, physics and nuclear research, all orders within the Reich were centralized in the office of Sauerbruch. The same was true for all the other fields.

I witness, if we follow up the routine in the Reich Research Council, so that application like it was in the translation came from the details in the Reich Research Council. The Reich Research Council gave out, through you, an assignment, a research assignment. On order, the scientist, the research worker or the Institute received the order for carrying out of these research assignments. Was that all the Reich Research Council had to do with it--or what happened then? Perhaps I could ask you what did the receiver of the research assignment do, and what was his work?

First, one got acquainted with the man who was to receive this order and only gave out this assignment if one was certain that the man concerned really worked in this sphere. Apart from this, the man concerned was under duty--I think, every three months; I don't exactly remember--to

give a working report to the Reich Research Council, to the parties concerned in the Reich Research Council. On the basis of this report, I could convince myself whether it was really worked out; whether the work was successful. And, therefore, I had two possibilities: I had the possibility, if necessity arose, to withdraw this research assignment.

Q What happened then, witness, with these reports? For instance, which were given to the persons concerned, and to whom you reported...

A The reports I made use of for my full report which, at regular intervals, I had to submit to the Reich Research Council; and it was not a matter of secret assignments. The research worker concerned was not told how far he was to make value of these assignments. For instance, in the clinic of Professor von Zickel in Berlin, if there was an order in this clinic about throat cancer, it was certain that the scientists concerned published this report in magazines, and gave it thus to the scientists and doctors.

Q Therefore, it was not the case that, for instance, the whole Reich Research Council met every month--or department within the Reich Research Council--and discussed the current results, and consulted about them and decided how these results--for instance, in the interest of all management concerning profession of arms--or other purposes could be made use of. Was this the case or not?

A No; not in this particular way. In bigger intervals there were sessions of the Reich Research Council. During all this time in which I was a member of the Reich Research Council, there was not a single time it happened that Goering, himself, appeared. He said he would come on occasions but he never arrived. The sessions took part in the following manner: The director of specialist sessions reported about their

current work, and in these sessions--to these sessions, the members of the presidium council were invited. And, I regret to say, that part of these men had no interest in these sessions at all because they just did not come. I could imagine, of course, that if, for instance, the plenipotentiary for high-frequency research reported--and to report about new results--at such a session, and the Reich Post Minister or his deputy had taken part in such a session, that certainly new results would have been made use of, so far as it was in the interest of the Reich Post Ministry or the Information Office.

Q I would like to ask you a last question about the Reich Research Council, witness, concerning the importance and the significance of the charge of the Prosecution about conspiracy. This is the main reason why we are dealing with the Reich Research Council so explicitly. When these research assignments were given out to individual research workers, or to institutes, was special care taken about the receivers of these assignments being Party members or members of formations like the SS, or was it necessary that they were politically sound, or according to what principles in personnel direction were these assignments given out? Would you like to say something about this matter?

A We, as directors of specialist sections, would have been fools if we had given out these assignments according to political views. Political views were not concerned in this at all — the main point was the ability and efficiency of the research worker.

Q And if I leave this special sphere now I should like to know one thing more. What you have told us now, was that the whole activity of the Reich Research Council — the giving out of assignments, the financing of same, the receiving of reports, etc. — or had the Reich Research Council other purposes and if so, which?

A I know nothing about additional tasks of the Reich Research Council and I also do not know what other tasks could have been dealt with by the Reich Research Council.

Q So these, therefore, were the only tasks of the Reich Research Council?

A Yes.

Q Apart from this activity within the Reich Research Council did you have other tasks to perform, witness? In 1943 you became Plenipotentiary for Cancer Research, which was an honorary office and which was somehow in connection with the Reich Research Council. I would like to know how it was that just you received this special order for cancer research. Since when and in what way did you deal with the cancer research and how was it that you were

interested in it?

A The cancer problem had always interested me. Since 1935, apart from the problem of tuberculosis, I had become interested in the cancer problem. In 1936, perhaps it was 1935, I was a member of the German delegation which was led by Geheimrat Borst which took part in the great International Congress in Brussels for cancer research. At the same time I founded the Council for inflammation research in Mecklenburg, under collaboration of Mr. Lasch. This was the first time that in a country with homogeneous population any cancer research was dealt with in the statistic. I would like to draw the attention of the interpreters to the word "krankenstatistike." This means statistics of sick people. This was the first time, unlike all other statistics in the world, so-called mortality statistics, hospital statistics, and success statistics -- this was the first time, as I said, that statistics were made about the fate of cancer which dealt with every case of cancer disease within the country. In spite of the fact that there was no authoritative notice that every case of cancer had to be reported, through a special service which I created in Mecklenburg, every case of cancer in the country, from its report until death, was registered and was differentiated within certain questions. All questions were taken into account which had come up in the scientific literature as received on cancer. The voluntary collaboration of university professors, directors of institutes, chiefs of hospitals, and all the practicing physicians within the country, promised such success that I planned the same sort of institution for Saarland, for Saxonia-Anhalt, and for the country surrounding Vienna, and I actually created these institutions. Thus, all cases of cancer were being dealt with in a way that had never been done before. To make use of all material, a large number of questionnaires were filled out, but our adversaries were taken by surprise from Russian part in 1945 and the material would not be returned; but I hope that in the future there will be a possibility to make use of all this material as it will be a service to humanity.

In 1927 Geheimrat Borst elected me into the Directory of the Reich Council of Cancer Research, of which Geheimrat Koenig was a member from Tuerzburg, and Professor Huettner in Berlin, apart from Borst himself. We signed for the internationally recognized scientific magazine for cancer research. As there is no disease which has as many causes as cancer and which has been dealt within so much literature and on which so much research has been done, I made a special study of the whole sphere of cancer and arrived at the result that the creation of a central institute for cancer research would become necessary. Large sums were necessary for the financing of this and we had the support of Professor Loenne in Dusseldorf until the beginning of the war; 50,000,000 marks were given over to us from voluntary sources within the industry and we expected to increase this to 150,000,000 marks. The war ended my plans suddenly. In spite of this I attempted to proceed further. In 1940 I went a memorandum to Hitler, and Hess and Goebbels told me, by order of Hitler, that after the war I would be able to found a central institute which I had asked for. I had asked for the sum of 350,000,000 marks from Goebbels and said that this was the necessary amount. Hitler told me, through Goebbels, that the amount was a negligible matter and that the material and sums which I needed would be put at my disposal. As I did not want to wait for the end of the war, in 1942 I founded the institute for cancer research and had it financed within the Reich Research Council; the institute became one of the formations of the Kaiser Wilhelm Institute. Gauleiter Greiser, in Wartheland, who had heard of my plans, offered all possible support providing that this institute would be built in his own country. I accepted his offer and received for the foundation of a temporary institute that little estate (Nesselstedt) which was a part of government property. This little estate was near Posen.

We will come back to this later in connection with the intended research for the fighting of biological warfare methods.

On the 1st of June 1943 I took over this Research Institute officially. I must also mention that this Central Institute for Cancer Research which I had founded after I had been made the Plenipotentiary for Cancer Research, I was elected as a reading member of the Reich Research Council.

Q. Professor Bloch, in this book which I offered to the Tribunal as Exhibit No. 1, which bears the title "The Doctor in Warfare" which is a kind of autobiography, you deal with this cancer problem. I would be interested in knowing, in order to realize the importance of cancer research, what your opinion is as a specialist. How many people in Germany died of cancer, not considering those cases in which the diagnosis of cancer could not be proved exactly?

A. At that time when I started my cancer statistics most people were of the opinion that tuberculosis had the first place in the mortality statistics. I proved then before a lot that death through cancer took the first place in the statistics of mortality.

Perhaps I could make an additional explanation. The life expectancy of a human being is over 50 years. Therefore, more than half of all human beings live to an age of much more than 45. Of these people who live to an older age than 45 every sixth or seventh person dies of cancer. This can be proved. These are not only a lot of German statistics but the same can be seen from statistical reports of the United States of America.

It is therefore quite evident that cancer is the most terrible disease which humanity suffers from. First, death by cancer is far from agreeable; mostly that death is connected with long and bad suffering. Secondly, the solution of the cancer problem, also from the point of view of the social question, is very important. Of course, one must consider especially in this age that many people die when they are still necessary for the education and the well-being of their children. These children live without parents and at an age when they need their parents especially.

Especially as cancer takes the first place in mortality statistics and because from the social point of view, it presents such a huge problem, because of these reasons I had decided to work on the solution of this problem which was so important.

And you, Dr. Sauter, are quite correct if you draw the attention of the Tribunal to this book, because the last chapter of my book shows that my last aim was, as far as it was within my power, to work towards a solution of this problem.

DR. SAUTER: Witness, is it correct that regarding your efforts —

THE PRESIDENT: This examination has run, for some time, far beyond the field of evidence in this case. The Tribunal does not desire to usually limit witnesses. The witness may tell what he has done but these extensive excursions into fields wholly unconnected with this case has really, in this instance, gone far enough. The book which the witness has written is in evidence and is before the Tribunal. I think that the examination should be more nearly confined to the case at bar.

BY DR. SAUTER:

Q. Witness, I begin with another chapter now, which I would have arrived at in any case. Is it correct that, regarding your efforts towards the fighting of cancer in 1942, you were offered the job of professor and received it with the order to deal with the assignment of people's diseases?

A. Beginning in 1942, on account of my work in dealing with people's diseases, I was appointed as professor honoris cause on the medical faculty in Berlin.

Q. Witness, you received another research assignment which was called a secret research assignment; that is, the research assignment of biological warfare. This assignment was dealt with explicitly by the prosecution. I would like to ask you, therefore, to give a short account of your work within this secret assignment and what general activities were yours in order to deal with this assignment.

A. With my nomination as Plenipotentiary for Biological Warfare the

secret assignment was connected with research on defense against biological warfare. The purpose of this order was the connecting and the making active of the fields which were dealt with by the Wehrmacht as two different ones. The three provinces were known being, animal, and plant.

Q. What did you receive this research assignment?

4. Together with my nomination as plenipotentiary, which must have been 1942.

Witness, the book "The Doctor in Warfare" has been mentioned -
"First in Series" - which is Exhibit No. 1. The book came out in 1941,
at a time when Germany had huge military successes in the East and West.
You did not mention the second World War in this book. How is that?

A. I wrote that book in 1940 and I finished it in 1941. In this book I deal with my own experience in the World War - I mean, the first World War - and the later time until 1939. Whoever reads this book will be able to state, concerning my life and my activities, that I developed my life from the military side to the side of science and research. In the course of my activities in health policy my highest aim had crystallized itself, as I have mentioned before, to use my influence and my ability for the fighting of malaria's disease. If I made these tasks the main aims of my life, it is obvious that a war can only hinder or disturb these aims.

I did not think the war necessary just because of the Polish corridor-- whoever started this war. I hated the second World War from its very beginning. When our people began to recover from the last 30 years, a new war crisis which is going to destroy again. I knew the significance of war only too well. I fought in the first World War as a front officer in the first line. I was wounded five times. I say this to convince you that I know what the horrors of war are. Therefore I abhor war, and I see its necessity only if my own people are attacked. In my book I have not mentioned the second World War with a single word because I did not want and I have no attitude toward this second World War, because I believed that this war could not have been avoided.

Q. Witness, I would like to ask you one question in connection with the charge of conspiracy. Which of the defendants have you known before, and how? Did you know them well or only superficially?

A. Ten of the defendants I did not know at all. The others I knew. During this war I had nothing to do with the following gentlemen: Schroeder, Johnson, Gebhardt, and White. There remain therefore Karl Brandt, whom I met about six times. Hildebrand I had to do with three times during this war. I met Goebbels three times in conferences, but I had nothing to do with him directly. Dr. Hans Brandt I met twice during my visits in Goebbels's office, but I had nothing to do with Rudolf Brandt, except that Rudolf Brandt during the war by order of Hissler, wrote one or two letters to me when I complained to Hissler about the lack of organization in the fight against foot and mouth disease generally. I saw Krugowsky three times. Once just shortly in Goebbels's Office, once he visited me, once I inspected his institute. I saw Sievers more often, especially within the Reich Research Council. Our meetings were generally very short. Also I met three times during this war and Breck once.

Q. Witness, as you mentioned these people you did not mention Dr. Pokorny. Did you know him, Pokorny?

A. No, Pokorny I did not know. He was one of the ten whom I did not know.

Q With which of the defendants whom you know did you discuss experiments on human beings of the kind that are being dealt with in this trial?

A Only with Siewers.

Q You did not discuss it with other defendants, even if you knew them?

A No.

Q Also the euthanasia program is charged. You are charged with having talked about this with the defendant Brack. When and where was this, and why? Please be short, because we must deal with this point later.

A I did not speak about the euthanasia program with the defendant Brack. Brack was once at a meeting which was under the leadership of Dr. Conti. I think that must have been 1941, in Munich, and dealt with these questions shortly.

Q What was your own point of view on the question of euthanasia? Please tell us about that quite shortly.

A Immediately after the meeting I went to see Dr. Conti, and I asked him again that we of the Reich Physicians leadership should also deal with these questions, but this time Dr. Conti refused such contacts, and he said that we of the Reich Physicians leadership had nothing to do with such matters.

Q Now I would like to deal with the point of conspiracy. Did you talk to Hitler or Himmler or Goebbels, who was, as we know, responsible mainly for the euthanasia program, and had you any discussions about this matter?

A I did not talk to Hitler during the whole war. I never spoke with Goebbels and Goebbels about the euthanasia program. I did not speak to Himmler during the war, and with Himmler I first came in touch officially in the late summer of 1945 when the so-called euthanasia action had already stopped.

Q Witness, the Prosecution in Document Book 4, Page 11, the document book about medical experiments, a document No. 065, submitted by the Prosecution under the number 127, has submitted this affidavit of the SS Stabsgruppenführer Pohl, who was mainly responsible for the concentration camps. In this affidavit of 23 July 1946 Pohl speaks and replies to a question to the fact who were the consultants to Himmler about these questions; and in an affidavit of 23 July 1946 he says verbally that Himmler had enough opportunity to discuss matters with gentlemen of his staff and his surroundings about medical questions, and I am sure he did that. That is the end of the quotation. And Pohl mentions other consultants such as, for instance, Conti. I ask this because you were the deputy of Conti. Did you belong to these consultants of Himmler and did you hear about these matters or not?

A No, I was not one of these consultants, and I do not believe myself that in general Dr. Conti was one of them, because I know from Himmler personally that he did not like Conti. He told me about Conti and made abusive remarks about him which were certified by people like Stumpfegger. I also know that there was one former co-student of Himmler who told me that Himmler made abusive remarks about Conti at a time when Gerhard Wagner was still alive. I also know that Himmler was not in favor of Conti succeeding Gerhard Wagner.

Q Also on the point of conspiracy I present you with the following: In May 1944 the 4th meeting of the Consulting Physician of the Wehrmacht took place in Hohenlychen, which we have heard about a lot here. The themes which were dealt with on this occasion, and which partly dealt with experiments we have heard about from Dr. Elscher and Dr. Gebhardt. Were you present at this meeting, Witness, and did you hear the speeches and reports about these experiments?

A No, I principally avoided sessions and meetings in which Conti took part

Q Under Document No. 619 the Prosecution in Document Book No. 10 about experiments with sulfonamides, a participation and billoting register has been submitted, Document Book of the Prosecution No. 10, Page 97, and in this register under no. 38 is mentioned Conti, SS Gruppenfuhrer, Stenasskretar, and then the quarter where he was billeted. And under 38-A is a strange not, the only one of its kind, where it says that cooperatior, Stenasskretar Conti, Karhotel. The name of this assistant has not been mentioned. There could be the suspicion that perhaps you were this anonymous assistant in this register.

interrogate Brugowsky and Poppendick in their cross examination.

Q Witness with reference to the point of conspiracy, I remind you of the records within their document book No. 3, the Prosecution about freezing experiments, page 68. This document 401, document of the Prosecution No. 401, Exhibit 93, a record about a scientific discussion of the 27 October 1942, in Nurnberg. This is the famous meeting about freezing experiments. Were you present at this meeting, and did you hear about these horrible Dachau freezing experiments which Rascher carried out in Dachau?

A I was neither a participant in this meeting nor did I hear any reports about this meeting.

Q You remember, Dr. Bloch, that in connection with this report about the freezing meeting, so to speak, of October 1942, the Prosecution made the point that the Reich Physician Leader, Dr. Conti, was in this meeting, which can be proved, and that the Prosecution said that you had been the deputy, a subordinate of Dr. Conti, and, therefore, you certainly would have been informed by Dr. Conti about this. Do you still say that you have never known anything about these matters?

A Yes, I still say the same. The assumption of the Prosecution can be understood, but the Prosecution ought to know by now how unpleasant the relationship between Conti and myself was, and I would like to explain with reference to the point that in the year 1941 to 1943, I only corresponded with Conti and did not talk to him without a greeting and without a title to the letters, and that in this relationship Conti should have informed me about such secret matters. This can hardly be assumed.

Q Witness, at the same time, in the end of November

Q At the beginning of December, 1942, there was also a meeting in the Military Medical Academy in Berlin which took place and before that a discussion in St. Johann in the Tyrol about mountain physiological questions, and these freezing experiments were mentioned and were discussed. Were you present at these meetings which I have just mentioned, or did you in any way during this war hear about these discussions and know anything about them?

A I neither took part in these meetings, nor did I know about these meetings and the so-called mountain physiological Institute in St. Johann. I only heard about it in Kurnberg. I had not known anything about its existence before.

Q With reference to the point of conspiracy I would like to know your relationship with Dr. Roscher. How did you come to know him and when?

A I met Dr. Roscher through Dr. Sievers. This was in the late summer of 1942. When Sievers received the order from Himmler to discuss an allegedly new cancer drug in which Dr. Loefer and Dr. Luetzelburg had taken part. I invited these gentlemen for a further discussion into my office and in this discussion Professor Boix also took part on my initiative.

Q What impression did you gain from Dr. Roscher as a doctor and as a person?

A Roscher made a favorable impression on me to start with but without question he was a so-called bluffer. He is a man who undertakes to make an impression, a good impression for a short or a long period, to pretend to have good qualities and good knowledge of things without there being any very positive qualities. Later on he got annoyed with a certain tendency for business, Roscher wanted to take part financially in the production of the blood coagulation drug and polygel, and tried to get me to take part, which, of course, I refused,

and I told him that it was not the matter of a doctor to make use of medical knowledge in a financial way and in the way of production.

THE PRESIDENT: At this time the Tribunal will be in recess.

(A short recess was taken)

Court 1

THE MARSHAL: Persons in the court will please find their seats.
The Tribunal is now in session.

BY MR. SAUTER:

Q. Witness, we were interrupted in the midst of a particularly important point; namely, the question of Dr. Rascher, and I wanted to ask you before did you, together with this man Rascher, carry out any war experiments, particularly involving polygal or other experiments and such experiments on human beings?

A. No.

Q. Never?

A. Never.

Q. Did you give any orders to this Dr. Rascher to carry out such experiments on human beings?

A. No.

Q. I shall now show you what you set forth in an affidavit of the 25th of October 1946. This affidavit was submitted by the Prosecution in Prosecution Document Book No. 11, regarding the 4th codification, and carries the number 471, Prosecution Exhibit 238. Under point 8 in this affidavit it is stated, and I cite verbatim - this is your statement: "Dr. Rascher told me that in the Concentration Camp Dachau he had carried out experiments on human beings. One served the purpose of testing the effectiveness of polygal for blood coagulation in the case of war wounds and artificial wounds, etc." That is all under point 8 in your affidavit. Then follows point 9, which reads: "It was quite clear to me that experiments on human beings were being carried out in the concentration camp. Dr. Rascher informed me of experiments on human beings that had been concluded." I repeat: "that had been concluded". "I remember that I answered my questions with the reply that the fatality had been concluded." That is the extent of the quotation I wish to put to you. Now, this document of yours of the 25th of October, 1946 in your affidavit - do you still make those same assertions and what do you have to say regarding them?

Q. That I said is true, Eacker informed me briefly of his concluded experiments on human beings and also about the technical way in which they were carried out. I asked him then whether anything had happened during these experiments and he thereupon told me that there had been only one fatality.

A. Witness, I should like to have it stated perfectly clearly — did Dr. Eacker on this occasion or on another occasion tell you about experiments on human beings that were to be carried out in the future, or only about experiments that had already been concluded?

A. He spoke of experiments that had already been concluded. Incidentally, he did mention that he had delivered a lecture on experiments regarding parachute jumps. I understood this word at that time, — to be sure, I have subsequently learned in the trial that these were low-pressure experiments — that actually these were parachute jumps from airplanes. That of course interested me. I should have liked to know what happened during such parachute jumps from great altitudes and I therefore asked Eacker but he told me that he was not at liberty to tell me about this; moreover, the experiments were not yet concluded and he needed for these experiments a low pressure chamber but that he had been refused this low pressure chamber by the Luftwaffe. He told me all the gentlemen in question were — he called them traitors — and mentioned the names of Sipke, Wiltz and Ruff.

Q. You told me before that he spoke only of experiments that had been concluded, namely experiments in the past. But in connection with the treatment of cancer of the prostate, did he not speak of experiments he intended to carry out in the future, and what did you say about that?

A. In the conference in my office that I already mentioned which Hinder was also in and in which Sievers, Professor Holz, Herr von Muetzelburg and Eacker took part, there was discussion of experiments. From the very beginning I had a clear my point of view, that we should not begin testing a vegetable before a precise chemical analysis of this vegetable had been undertaken. I asked Professor Holz to undertake the analysis of this vegetable and to carry out the experiments, including experiments on animals,

until that was concluded, because it was scientific nonsense to attempt to find any means to combat cancer without knowing what the effectiveness of the treatment could be traced back to if it were effective. After I had informed Himmler of this conference he spoke to me of experiments. He told me he intended to set up a so-called cancer station for Rascher so that this vegetable extract could be tested there. He had instituted inquiring in the concentration camps and had been informed that there were none or only one person suffering from cancer in all the concentration camps. I reminded Himmler of the results of that prior mentioned conference and told him that it was nonsensical to undertake experiments without the necessary scientific basis.

Q. Did you then have the feeling or did it occur to you then that the experiments that Dr. Rascher was carrying out with Dr. Mutschelburg — now known against cancer — were criminal experiments on human beings, or could be criminal because of their grossness or because of the pains that were connected with them, or criminal for some other reason?

A. No, there was no question of that at all because after what Dr. von Mutschelburg had told me I saw that this was a continuation of work on the part of emigrated physicians who had worked on this problem until 1933. If, therefore, patients sick of cancer had been given this vegetable extract to drink, or if it had been used for inoculation, that could not have done anything but or caused them any particular difficulties. Moreover, it is a well known fact that if a means of combating cancer turns up, that means to the physicians, persons with cancer apply in great numbers for this drug — that it should be tested on them. Every doctor who has had experience in cancer research has had this experience.

Q. From Siever's affidavit we heard and now know that Rascher was to set up an institute for cancer research in Dachau or perhaps even did set it up. This is stated in an affidavit on the part of Sievers on 25 October 1946, in Document Book II of the Prosecution. As a cancer researcher did you have anything to do with this institute of Rascher's in Dachau?

A. No, there was no cancer institute under Rascher.

Q. Even it was merely planned?

1. These were big ideas on the part of Hinder.

2. Hinder, of whom you have just been speaking, and this is also to be seen from Siever's affidavit, apparently frequently expressed the wish that his wife, namely Rascher, should collaborate with you, and, if you remember, he wished that Rascher should tell you regularly of his work. I ask you, did such collaboration between you and Rascher take place on the basis of Hinder's wish and did you receive any reports of this sort from Rascher?

3. There was no such thing as regular scientific collaboration between us. Hinder asked us to work together with Rascher in the fields of cancer, of polygel, the blood coagulant, and also in connection with a newly developed canned potato, which was of great interest to us from the point of view of providing food. But I did no work in this field of any sort. The work that was done is to be traced back to the efforts on the part of Kurt Folke, who was supported in this by Rascher. There was no regular reporting on Rascher's part about his work or at least I can speak of it only relatively. I did not receive written reports but from time to time Rascher told me that again improvements had been reached in the production of polygel and also in the field of the aforementioned canned potato. I assured myself of how good these potatoes were when I visited Rascher and found them excellent.

Q What I brought up with you just now is to be traced back to an affidavit on the part of co-defendant Sievers on the 25th of October, 1946, Prosecution Document Book 11, Page 7, where he writes: "An order was issued that all concentration camp inmates with cancer in the various concentration camps should be transferred in the future to Rascher's Department. Experiments were to be carried out on such inmates that could serve cancer research, and that you Dr. Blume had visited Rascher several times, had received reports from Rascher and knew all about Rascher's work." Is that assertion correct on the part of Sievers, which he made under oath in an affidavit?

A This is his assertion and it is in part true. As I said Himmler asked me in the fields of cancer, polygal and these potato matters, to work together with Rascher, and to support him, and actually Rascher did report to me on these matters. What other assignments Rascher may have had from Himmler I do not know. There was no mention of them, and if that was the case at least Rascher did not report to me on them. I cannot conceive that Rascher received from Himmler the order to carry out forbidden experiments, and that Himmler could have wanted him to report to me on them, because my connections with Himmler were not so close as all that. Moreover I must point out that I was not an SS Doctor, so that in this respect I was neither subordinate to Himmler nor was Rascher in any way subordinate to me.

Q In this connection, however, the co-defendant Sievers in his affidavit of 25th October 1946, which has already been mentioned several times now, makes the assertion to Dr. Blume, "that Dr. Blume had specifically asked Reichsfuehrer SS Himmler to put Rascher at your disposal for research at your Institute in Messelstedt in Posen, and apparently some such thing was agreed upon." Did you care to make a statement on this subject?

A Rascher asked me to use him in my Institute. He told this to Himmler and I also spoke with Himmler about this. All this is true, but Rascher was never actually used by me. First of all I had no opportunity or possibility of using Rascher with me because my Institute in Posen was under construction, and if the necessary equipment was at hand, and even in January 1945, when the Russians reached Posen it was not yet completed.

Q Witness, in Prosecution Document Book 3 regarding cold or freezing experiments, we were shown a few documents in which you are incriminated, namely documents from which it is to be seen that Dr. Rascher on the basis of his Dachau experiments had attempted to be habilitated by a German University in order to become a university professor. It is concluded from this that you were very precisely informed of Rascher's Dachau experiments, and that you nevertheless approved of them; what can you say about this?

A First of all it is not correct to conclude that I approved such experiments, because first of all I did not know that these experiments were being undertaken; secondly, I found out about them only after they had long since been concluded; it is true that Himmler asked me to be of assistance to Rascher at his habilitation in a German University. First of all Rascher would have to be certified as a specialist, Rascher made efforts so to be certified, came to me and said that the Institute office in Munich had refused to certify him as a specialist. Then I asked him to hand in the necessary documentation and data to the Reich Physicians Chamber in Munich himself. These documents went to the Institute specialist to be worked on and he then reported to me and stated that actually the certification as a specialist was in order. The only thing that was missing was a certificate to the effect that Rascher had carried out a certain number of surgical operations of a specific nature himself. He told this to Rascher. Thereupon Rascher went to his Munich doctor, a well known surgeon, and also brought the certification to the effect that he had himself carried out the surgical operations in question. I then turned the matter over to my specialist. He again reported to me, saying that the certification of Rascher as a specialist was now in order and I then told my specialist to give Rascher a temporary certification as specialist. No final certifications of that sort were issued during the War. This provided certain of the prerequisites for a habilitation. He then took up the question of this habilitation with Professor Menzel in his capacity as Section Chief in the Science Department of

The Ministry of Culture, particularly because the works that Rascher had carried out in his Institute on Simmler's order were considered in general secret. I proposed that he should not turn to Professor Pfannenstiel in Marburg in the matter of this habilitation. The reason I mentioned this name lies in the fact that in the end of 1942, I had made Professor Pfannenstiel's acquaintance on a trip to Marburg, and had ascertained that he had once been Ordinarius and was moreover an SS Standartenführer, in the Waffen SS which corresponds to a Colonel in the American Army. I then wrote a letter to Professor Pfannenstiel. I received from him a reply in the negative. Thereupon I did nothing further, but told Rascher that he concern himself with this business of a professorship with a professor who could get him this habilitation, he would be best to turn to an SS comrade. I myself, however, knew no likely names.

Dr. Blome, this matter interests me mainly from the following point of view; I ask myself whether at that time from the documents that Rascher gave you regarding himself, would you have had to say that these experiments were criminal; in other words, whether you thought from these documents that they were experiments in concentration camps, or whether you could conclude from these documents something about the nature of the experimental persons, for instance, whether they were Germans or foreigners, whether political or criminal prisoners, whether they had been condemned to death or not, whether they were to be pardoned, or not; it is only from this point of view I am interested in this whole business of Rascher's habilitation, and so I ask you now to make statements regarding the question, what did you learn from these documents on the points I just mentioned, and if you did find out something in this way how did you react?

A When in the late summer of 1943, Himmler asked me to support Rascher in his efforts to be habilitated, I spoke to Rascher about this matter. Rascher told me that he wanted to be habilitated in a work that concerned the coagulation of blood. Once when I visited him in Dachau Rascher showed me extensive statistical preparations and charts of his experiments with Polygal, and all of these were perfectly permissible laboratory experiments, and then for a while I heard nothing further about this matter, the question of having Rascher certified as a specialist, namely. And then as I recall, at the end of 1943 I received from Rascher a very extensive paper with the request that I help him become habilitated. I opened up this paper, read through it, paged through it, that is. I remember it was full of charts, but I didn't actually read the paper, which did not interest me, nor was it my job to study this paper, because I was not the Professor who was to carry out Rascher's habilitation. I had only, on Himmler's request, played an intermediary role in this whole matter. I state this now under oath, I did not read this work, because it didn't interest me. In no respect did it follow under a specialized field that touched on my own interests, and moreover I received many special scientific papers from all over Germany, that I would have had to have several heads and much more time to study all of these matters; consequently I really cannot give you any information about even what the title of this paper was or the contents were; if I knew it I would be only too happy to do it.

Q Witness in Prosecution Document Book 3, No. 432, Exhibit 119 on page 110, there is a letter from Dr. Rascher to Neff of 21 October 1943, which is presented by the Prosecution. Neff is the man who was heard here as a witness. In this letter to Neff, Rascher writes to the effect that the Reich Research Council had commissioned him to carry out freezing experiments in open air; they were to be carried out in winter on the Sudelfeld, that is a skiing terrain in the Upper Bavarian Alps and this letter of Rascher to Neff of 21 October, 1943, is compared with a card in the card index file of the Reich Research Council. Now please make some statement about these experiments in the open air; did you issue the orders for these freezing experiments in open air?

A No, I did not issue such an order and I consider it out of the question that some other department of the Reich Research Council should have issued such an order.

JUDGE SEBRING: Before this other point is left, I should like to ask you one or two questions concerning the exhibits which you have referred to. Witness, as I understand your statement, certain experiments that were conducted by Rascher during the period of time you knew him were classified, or were to be classified as secret, or as top secret; is that correct?

THE WITNESS: No, Your Honor, that is not correct. During the time that I knew Rascher such experiments were not carried out; at the very most it could only have been experiments that were carried out long before I made Rascher's acquaintance.

JUDGE SEBRING: Well now then, of the experiments carried out before you made Rascher's acquaintance; do you know which ones were at the time classified as secret or top secret?

THE WITNESS: So far as I know, all Rascher's experiments in his institution were called secret; for example also this business of the canned potatoes that I mentioned before.

JUDGE SEBRING: In Prosecution Document Book No. 3, which has been referred to by your counsel, Document No. 240 is offered in evidence as Prosecution Exhibit 112, there appears a letter supposed to have been written by

Rascher to Himmler bearing the date 11 April 1943, which reads as follows:

"Dear Reichsfuehrer! Enclosed I beg to submit a brief report concerning freezing experiments on human beings exposed to the open air.

"Early in May I hope to be in a position, dear Reichsfuehrer, to submit to you my habilitation thesis. SS Oberstgruppenfuehrer, Professor Dr. Pfannenstiel of Marburg is prepared to use and accept it as a secret thesis of habilitation."

Now, is that, or is that not, the thesis that was presented to Pfannenstiel for the habilitation of Rascher or attempted habilitation of Rascher?

THE WITNESS: Of this habilitation thesis of application to Pfannenstiel which you just mentioned, I knew nothing. Rascher told me nothing about that

it is purely an accident that I also turned to Pfannenstiel, which I did because on this trip at the end of 1942 to Lemberg, I made Pfannenstiel's acquaintance. Because in Lemberg, a full professor was necessary as the person to approve a habilitation thesis. When I discussed with Menzel my suggestion about Pfannenstiel, Menzel also certainly did not know that Rascher had already made efforts to achieve his habilitation through Pfannenstiel, as can be seen from Rascher's letters to Himmler, which were I believe in April of 1943 and this, as you can see, it was long before the time I made Rascher's acquaintance.

JUDGE SEHRING: Why is it that in the event the efforts of Rascher to be habilitated were successful that his appointment as a lecturer was to be a secret appointment; can you tell me that?

THE WITNESS: I only know that during the war such secret habilitations were frequently undertaken. In these cases the habilitation thesis was of great importance for one military reason or another and should be kept secret. For example, the thesis in the field of physics or in the field of the physics of explosives or such things. May I add one point; the awarding of the title itself Doctor habil was not kept secret, only the thesis was kept secret on the facts in which the person in question was habilitated. So far as I know the secret was kept within the medical department of the University in question and was confined to the three or four specialists who gave their opinion of

the value of the habilitation thesis in question. In other words, this thesis was not presented in any scientific period.

JUDGE SPRING: The fact, however, that an appointment had been made would be made known; is that true it would not be a secret?

THE WITNESS: Yes, that is true; it would not have been a secret.

JUDGE SEBRING: Then will you please explain: in document book 3 of the Prosecution, Document NO-229, Prosecution Exhibit 118, from Sievers to Rudolf Brandt there is a letter dated 27 September 1943: "Re: Appointment of SS-Reapteturfuehrer Dr. Rascher as a lecturer. Habilitation.

Dear Comrade Brandt:

"I have taken up the matter of the appointment of Dr. Rascher as lecturer. I myself brought together Dr. Rascher with Professor Dr. Blome as well as with SS-Brigadefuehrer Menzel. The procedure and the possibilities are thoroughly discussed.

"Professor Blome talked with Professor Pfannenstiel at Marburg, so that the path toward effecting this appointment, which is to be a secret appointment and, therefore, causes some difficulty, is smoothed.

"Kind regards and Heil Hitler!

Yours,

Sievers."

What do you have to say about that?

THE WITNESS: On the whole these statements of Sievers are true except the statement that I had previously spoken to Pfannenstiel. You read there: "I spoke to Pfannenstiel," but at that time I had not seen Rascher's habilitation thesis nor had I spoken with Pfannenstiel.

This talk with Menzel was the same as the one I mentioned before. Sievers also took part in this talk. In this talk it was a question of determining what was to be the formal way in which this habilitation was to be achieved, and in order to be clear in my mind about this, I had to turn to Menzel because he was the chief of the scientific office of the Ministry of Culture.

JUDGE SEBRING: The point I am talking about, though, is the reference by Sievers to Brandt of the fact that any appointment that would come to Rascher would have to be a "secret appointment," and from that I got the impression that not only is the subject of the thesis to be secret, but that the appointment of Rascher as well is to be secret.

THE WITNESS: No, Your Honor. Sievers expressed himself poorly in a letter of his. I know of no single case in which anyone was secretly

appointed a "Dr. Habil," and I believe everyone would have himself objected to receiving such a secret appointment because the purpose of a habilitation was that the person in question could perfectly publicly call himself a "Dr. Habil," and the appointment as "Dr. Habil" was the necessary prerequisite for a later professorship. So now it can only be a question of Sievers having expressed himself clumsily or poorly.

JUDGE SERRING: Well, then, on page 157 of the same document book, Document ND-290, Prosecution Exhibit 212, is what appears to be another letter written by Sievers to Brandt dated 21 March 1944:

Dear Comrade Brandt:

"My last letter to you on this subject was written on 27 November 1943. In spite of the recommendation of SS-Brigadefuehrer Professor Dr. Lenzel and the deputy Reichsleiter fuer Professor Dr. Blome, of which I informed you at the time, admission to the faculty with Professor Pfannenstiel at Marburg was not possible.

"On the 30th of November Pfannenstiel wrote to Professor Blome on the subject as follows:"

I wrote:

"I tried to pave the way for admission to the faculty here since it was clear from personal discussions with Dr. Rascher that our spheres of work ran parallel to a great extent. The fact that Rascher's activities have to be kept secret makes the affair very difficult to handle. In these circumstances I was unable to persuade the Marburg medical faculty to admit Rascher."

Then there is some discussion about an attempt to have Rascher admitted to the faculty in Frankfurt or Munich. Then he says:

"I am generally sorry that I cannot fulfill as I originally hoped to do Dr. Rascher's justifiable desire to gain admission to the faculty in Marburg on the basis of his scientific work, with which I am acquainted, and I ask him to consider my other proposals on the subject."

And:

"To undertake such an attempt in Munich would serve no purpose since, as you know, a similar attempt was already made with negative results.

The director of the Institute for Aviation Medicine in Frankfurt, who had already consented to take part in the presentation of the thesis in Marburg, would most certainly have been induced to favor admission to the faculty in Frankfurt. However, owing to the need for secrecy, we would have been exposed to the same difficulties with the medical faculty in Frankfurt.

"A discussion with SS-Hauptsturmfuehrer Dr. Hirt, who is thoroughly familiar with Dr. Rascher's work, revealed that the easiest thing would be to have him admitted to the Strassburg faculty. Here it is possible to have the work examined by SS Fuehrers only and admission to the faculty carried out in secrecy."

And so, frankly, I am rather confused. I gained the impression from these documents that not only was the habilitation thesis to be secret in its content and nature, but that also the appointment of Rascher as a lecturer. Could you help the Tribunal in that particular?

THE WITNESS: I don't really recall this letter. Permit me to ask is all that you read just now one letter to me from the beginning to the end?

JUDGE SEHRING: No. This is not a letter to you at all. It is a letter from Wevers to SS-Obersturmbannfuhrer Dr. Brandt, but throughout it talks not only of a secret thesis but also of a secret appointment, and as interested in knowing whether within the framework of your knowledge it is a customary thing in Germany either in wartime or in peacetime to have secret appointments to the faculties of the universities?

THE WITNESS: I never ever heard of a secret appointment. I think it is out of the question. I do know, as I said, that there were secret habilitation theses, namely, that the papers on which the appointment was based were kept secret, but I think it is quite out of the question that there should be such a thing as a secret appointment.

JUDGE SEHRING: That is all.

BY DR. SAUTER:

Dr. Bloem --

THE PRESIDENT: It is almost time for the noon recess, and when the Tribunal takes its recess at noon today, it will recess until nine-thirty 'clock next Monday morning. There will be no afternoon session of the Tribunal this afternoon.

(The Tribunal adjourned until 17 March 1947 at 0930 hours.)

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 17 March 1947, 0930, Justice Basle presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please Your Honor, all defendants are present in court with the exception of the defendant Oberheuser, absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court save the defendant Oberheuser who is absent on account of illness, being in the hospital.

Counsel may proceed.

KURT BLOCH - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SALTZ:

Q. Witness, I remind you that you are still under oath.

A. Yes.

Q. Before the adjournment your relationship to Dr. Rescher was discussed and at the end you were asked in particular what this secret rehabilitation of Dr. Rescher meant. May I ask you to tell us clearly and more what exactly was kept secret in that case or what it was that was supposed to be kept secret?

A. The procedure that was necessary to admit somebody as a lecturer to a University was never secret. Also, the fact that somebody had, in fact, been admitted as a lecturer was not kept secret as a matter of course. Whoever received the title "Dr. Rehabilitation" certainly carried this title with pride even if it was gained by the procedure of "secret rehabilitation". In the case of a secret rehabilitation the secrecy referred

merely to the scientific work of the man concerned; that is, when it referred to a subject which, owing to military reasons - that is, in the interest of the defense of the country - had to be kept secret. For this reason we had not only secret habilitations, but there were secret promotions too, conferring of doctor degrees, but only in a case when the subject of the doctor thesis had to be kept secret for military reasons. I know, for instance, a certain Dr. Wahnke wrote a treatise about propulsion of certain projectiles. This thesis of course had to be kept strictly secret. As far as I know the problem of the liquid rocket was treated there. That is an invention which is of highest importance, or could be of highest importance, for the waging of the war and therefore had to be kept secret. I believe that in cases like that in other states secret habilitation has to exist, too.

Let us assume that a research worker during the war had invented radar or the atom bomb, and with a scientific thesis about that invention he wanted to become a lecturer. In a case like that such a thesis would have had to be kept secret. However, nobody would have thought of keeping the admission of the research worker concerned a secret.

Q. Witness, this secret habilitation which Dr. Rescher wanted - is that a very unique case? Is it very extraordinary or did such secret habilitations exist more frequently in Germany, especially during the war period?

A. No, that wasn't a unique case. Secret habilitations and secret promotions occurred here and there. Whenever scientists worked with certain agencies for many years, especially with scientific agencies of a military character, they could naturally only deal with experiments and problems which fell within the sphere of their official activity. These matters nearly all were kept secret. Now, one did not want to keep such scientists away from the academic career. That would have been an injustice and that was neither in the interests of the agency itself, otherwise, every scientist would have endeavored to get away from an agency where he couldn't simultaneously become a lecturer at a university. An adjustment

for these contrary interests was found in the manner; namely, that the research worker was given the possibility of habilitation but that the subject of his thesis was kept secret. Such secret habilitations naturally were not especially favored, for very easily a suspicion could arise that this secrecy was only carried out because the scientific thesis concerned, or the candidate concerned, had not achieved a sufficient scientific standard.

Q. Witness, when interrogated earlier, did you yourself start to discuss the so-called secret habilitations of Dr. Rascher, or were you asked by the interrogating officer about that subject?

Q. I was interrogated about Dr. Bessler for the first time when I stayed at Camp at Oberursel in December, 1945. There, however, I was not asked about Dr. Bessler. My interrogation officer, Captain Urbach of the United States Army, asked me on the occasion of an interrogation whether I already knew the pictures of the atrocities in the concentration camps. I affirmed that question. He then asked me, "Were you ever in a concentration camp yourself?" I affirmed that too. He further asked me why I visited a concentration camp, and thereupon I stated that once before the war I took part in an inspection of the concentration camp Dachau, and I furthermore said that in the year 1943 in the fall, I visited the institute of Dr. Bessler, in Dachau, because of Bessler's suggestion. Then I was asked about my relationship to Dr. Bessler in detail, and I was also asked about the purpose of my relationship. I declared at that time that the reason was the habilitation of Dr. Bessler which was desired by Bessler.

Q. And that is how you yourself decided to speak about that matter?

A. Yes.

Q. Witness, before judgment, you told us, if I understand you correctly, that at that time you received the thesis of Dr. Bessler, his report about the concluded experiment, that you received it but you did not read it. Is that correct?

A. Yes.

Q. Well why didn't you read that thesis? I am not quite clear about that.

A. The paper itself did not interest me because my interests were in a very different field of work to Dr. Bessler's. In addition I received a great amount of scientific work from throughout Germany, that I had limited myself to read only those papers which interested me directly. I certainly could have had to read this paper if I had had the assignment to take over the habilitations of Dr. Bessler, directly, that is to say, if it had been my task to evaluate his work, to take up connections with the corresponding medical faculty, and whatever formalities are required in the case of such an habilitation.

Q. That is to say you did not read the report by Dr. Rascher about his experiments?

A. Yes.

Q. Did Dr. Rascher ever inform you verbally about details of his experiments, and in particular about the kind of experimental subjects on which these experiments were carried out, or did any one else, for instance, the co-defendant, Sievers, inform you about these matters?

A. Shall I take it as a general question, or are you especially referring to habilitation?

A. Yes, I am speaking about habilitation, that is what we are speaking about now. I am asking you whether at that time or later you were informed by Dr. Rascher or any one else about what experimental subjects were used for these experiments. I make this question very concrete. Were they criminal concentration camp prisoners or political inmates, people condemned to death, or others German or non-German? Were they prisoners of war, etc?

A. I did not speak to Rascher about experimental subjects in this connection.

Q. Professor, you have heard here about an order of Hitler, I think it was dated October, 1942, whereby that Poles and Russians, whenever used for such experiments, were always excluded fundamentally from any garden. This is a letter of Dr. Ralph Brandt addressed to Obersturmbannführer Ralph Schmitzler, dated the 2nd of October, 1942, which can be found in Document Volume 2, High Altitude Experiments. Did you at that time, or later and in the year 1943, when this habilitation took place, know of this order from Hitler or when did you first learn about that order?

A. This order was kept secret before me. I only heard about it afterwards, that Poles and Russians were excluded.

Q. Witness, Dr. Rascher, I think in the year 1943, received an original from the Reich Research Council entitled, "The Researching of Human Guinea," I repeat: "Researching of Human Guinea." This can be seen from a document which was submitted in evidence in Document volume 11, page 25, that is page 25 of the German document. It is Document 656, exhibit 247. This is a false attestation of Sievers. It is being asserted that this research order under the

title: "Re-Warming of Human Beings", was given by you to Dr. Rascher in the name of the Reich Research Council. Is that correct?

... No, the way I saw in an excerpt of the Reich Research Council to this order given to Rascher was accredited to me. Such excerpts I think I received once in three months. This entry was wrong. For I had agreed with Rascher that he was to receive a special assignment from the Reich Research Council, and no assignment for cold experiments was given by me to Dr. Rascher. When I saw that the assignment which was entitled "Re-Warming of Human Beings" was accredited to me, I spoke to Rascher about this matter and told him that this assignment was not my concern but belonged to the jurisdiction of the Geheimrat Dr. Sauerbruch, and that the entry in my card index was obviously a mistake which was made in the Reich Research Council. At that time I also telephoned the Reich Research Council and asked that this assignment should not be listed in my name because this was something that belonged to Dr. Sauerbruch by appearing as a man who assigned research assignments in a sphere which fell within Sauerbruch's field of activity. I told that to Rascher, too. Rascher at that time said that there were various opinions regarding that order, that is, between Bismar and Reichsrat SS Grawitz. The latter had wanted to conduct these experiments on frozen soldiers at the front, while Bismar did not want to do it at the front but in the mountains. However, the time of the year at that time had progressed already so far that such experiments in the winter at that time could not come into consideration anymore.

Witness, during your statements you were saying that you found that an assignment for Rascher with the title: "Re-Warming" was wrongly entered on your card index, and that it really belonged to the sphere of Geheimrat Dr. Sauerbruch. I shall now show these two card index pages shown to you in their photostatic form. Yours is Document 650, exhibit 120, I repeat Document 650, exhibit 120, which can be found in Document volume 11. The card index system for Dr. Sauerbruch is the next document. This is Document 651, exhibit -- well it is the next one in that document. There are two specimens, one is 650 and the other is 651. I think that the exhibit

number is the same in both documents, namely, 120, since they were submitted together. Witness, I ask you to look at these documents very exactly and give us very precise information on these documents. I want you to understand clearly that these documents are the only basis for the assertion of the Prosecution that you, witness, were a participant in anyway in the cold experiments of Dr. Pascher, and that you also participated in the poison gas experiments of Dr. Birta in Strassburg. This meaning of these two documents was interpreted in this manner by the Prosecution at the session of the 13 December page 416 of the German minutes with special emphasis and the Prosecution states that from that it can be seen that you participated in these horrible experiments. Now, if you look at these documents the first thing is card index page for Bloem, document No. 6,0, then you will see that under the current No. 0320 there is an entry, and I am speaking about your card index page: "Pascher-Jewish". The title of this assignment is as follows and I quote: "Re-sterilizing, after the general cooling of the human body, cured by part freezing, cold adjustment of the human body." On the right it says: There is a further number there 157-15. Well what have you got to say about this entry on your card index page?

A. At first it cannot be seen from this title at all that we are concerned with any experiments which are not permissible. As I look at the figure at the right of the title, namely 1879-15 I can say that 15 refers to my sphere of work in the Reich Research Council. Whereas, the sphere of work of Geheimrat Sauerbruch bore the figure 10. Under this assignment for Rascher the order is mentioned which allegedly was given to Hirt, namely "Change of Living Organism by Using Chemical Warfare Agents". On the page of Geheimrat Sauerbruch it says, I quote, "With reference to Professor Hirt Strassbourg", and the subject is, "The Reaction of Lost (L-O-S-T) in the living Organism". That is to say, in effect we are concerned with the same subject in the case of Sauerbruch and in my case. With reference to this assignment Hirt I have to say that he didn't belong to my sphere of work, in the same way as the so-called cold assignment to Rascher didn't belong. Both of these assignments belonged in to the jurisdiction of general medicine for which Professor Sauerbruch is competent. Furthermore, I would like to point out that even in the title of the order given to Hirt, namely, "Changes of Living Organism" it cannot be seen in any way that we are here concerned with experiments on human beings and you can finally see that this concerned any experiments which are not permissible. Both of these assignments were not given by me. Furthermore, I say looking at my card index page and I ask you to look at the figures on the left hand side and follow them up with me. At first it says Q453 black Q496.

DR. SAUTER: Just a moment, Mr. President, have you this document in front of you? I have a photostat of this document with me if you would like to see it.

THE PRESIDENT: Will you pass the photostats to the Tribunal?

DR. SAUTER: One is the photostat for Hlona and the other for Sauerbruch. It will be much easier for you to follow the statements of the defendant.

JUDGE SEBRING: I am unable to find document 691.

MR. HADY: Your Honor, I would like to call to your attention that Document 691 was never introduced by Prosecution. It merely introduced 690.

JUDGE STEERING: I find Document 690 but I could not find Document 691.

DR. SAUTER: The Document 691 is naturally needed in order to judge Document 690 correctly. The Document 691 contains the assignment Sauerbruch and the document 690 contains the assignments of Blume. Now, as Blume wants to show you that an assignment which was contained in his card index page is also contained in the card index page of Sauerbruch, with which he is incriminated erroneously, then of course one has to look at Document 691, too. This Document 691 was received in the Document Room and it was attached to 690. In addition there was attached the Document 699 to which I shall refer later and also the Document 708. These were four documents which belonged together.

JUDGE STEERING: Dr. Sauter, I would suggest that if it is true that the Prosecution has not offered any of these documents but Document 690 that in order to keep your record straight that you yourself have these documents identified. That is to say, 691 and any other companion documents and offer them as part of your evidence.

MR. HARRY: And in addition thereto Prosecution would be pleased if we could receive a translation of 691. That has never been presented for translation by Prosecution in as much as we never intended to use the same.

THE PRESIDENT: If counsel for Defendant Blume cares to offer in evidence document 691 it would be admitted at once and the translation can be furnished in due time. Evidently Document 691 has never been offered or received in evidence in the case.

DR. SAUTER: Mr. President, the matter is as follows: You cannot understand the defense of Dr. Blume —

THE PRESIDENT: The Tribunal understands that perfectly and if you offer in evidence as part of your case Document 691 it will be admitted in evidence as part of your case.

DR. SAUTER: Yes, but Mr. President, I must now, even if this Document has not yet been admitted formally, refer to that Document. Otherwise, you could not understand what Blume wishes to say.

THE PRESIDENT: Counsel may offer the document in evidence now and it will be received in evidence now.

DR. SAUTER: Yes. At a later date I shall submit translations and I am now offering document 691 as Exhibit Blome 3.

THE PRESIDENT: The document will be received in evidence.

DR. SAUTER: In addition I offer the document which belongs to it, name 699, as Exhibit Blome 4, and also the document which belongs to it, document 768, as Exhibit Blome 5.

JUDGE SEBASTIAN: Is it not true that the statement of Professor Bergmann is now in evidence as Blome Exhibit 37

DR. SAUTER: Bergmann that so far has not been admitted. It was not admitted by you. Consequently this Exhibit 37 has so far not been used.

THE PRESIDENT: Counsel is correct.

BY DR. SAUTER:

Q Witness, the Tribunal now has the photostat copies of these two card index pages in front of them. I already said that these card index pages naturally belonged together and they were accordingly all attached when the defense received the photostat copies. Perhaps you can very shortly define your attitude toward these two card index pages. I want you to state these points of view which, according to your opinion, it must be concluded that the assignment Hirt and the preceding assignment Rascher were erroneously entered on your card index page?

A May I ask the Tribunal to consider the following things. On the card index page Blome it says under no. 329 that there is an order given to Hirt at Strasbourg titled "Changes of Living Organism under the Influence of Poison Gases". On the card index page of Sauerbruch an assignment to Hirt Strasbourg can be seen titled "The Attitude of 'Goldkreuz' (Lost) in the Living Organism." We are obviously concerned with the same subject which was given as a research assignment by Professor Sauerbruch and which in addition was supposed to have been given by us, too. From these two subject it cannot be seen that one in any way is concerned with experiments which are not permissible. No mention is made of experiments on human beings. One is only concerned with experiments in the living organism.

JUDGE SEHRING: Dr. Blass, in that connection, will you please explain then why in Document No. 690, heretofore admitted as a Prosecution Exhibit there appears the serial number SS No. 0329 and Registry No. 1631-15, while in Document No. 691, Blass Exhibit 3, the SS number is 0323 and the Registry Number is 548-10? Wouldn't that seem to indicate that there were two separate subjects altogether?

WITNESS: I beg your pardon, I haven't found the so-called SS number. Do you mean the number on the left hand side?

MR. SAUTER: Yes, above the numbers there is a notation "SS number".

WITNESS: The difference in these two figures, according to my opinion doesn't mean anything. It is obvious that this assignment was entered by the Personnel Office on my card index system and, at another time, on Sauerbruch's card index system. If it says in the assignment which was allegedly given by me "under the influence of poison gases", then this is expressed in a more particular manner in Hirth's assignment where it says "attitude of 'Goldkronz' (Lost)". When looking at the SS numbers I see something else which rather surprises me. If you compare these SS numbers in Document 690 with one another, that is, going from the top towards the bottom, you will find a considerable difference. The figures begin on the left hand side on the top, and I cite the following figures: 453, an order to Dr. Schwarz; 496, an order to Dr. Siehl; then 328, an order to Rascher, 329, an order to Hirth; and then again, and this is the surprising thing, 415, an order to Colonel Von Berstel. This sequence I can only explain by the fact that the personnel dealing with and the registration of these assignments was not exact, or, at least, not reliable. Otherwise it couldn't be explained that there could be the sequence 453, 496, 328, 329, and then again 415.

BY JUDGE SEHRING:

Q Yet you have the same situation in 691, do you not? The Sauerbruch card index. Do you have the same explanation for that? It goes 0273, 0274, 0323, 0325, 0326, 0327, 0419, 0420, 0279. So..... You seem to have the same situation there.

A May I reply to that? That is obviously something different. My card index page says something completely different. On this Document No. 691, we start with the low figures 273, and we stop with the high figures 491, and we have some orderly sequence, 273, 274, 323, 325, 326, 327, 419, 420, 421, 279, 481, 491. That is to say, according to the figures, it is correct as to its sequence, whereas on my card index page you find that the first figure is 453 and the last one is 415 and in between that you see figures 328 and 329. That is, you have no proper sequence.

Q What do those numbers indicate, Dr. Blum? What is the purpose for the numbers?

A Every research assignment received a number, and among those numbers there were various priorities. One priority was, as it can be seen at the top on the left hand side in the case of both documents, the Priority SS. Now, if a research worker wanted to order certain equipment at various firms; for instance, instruments, then he always referred to the priority number which was given to him by the Reich Research Council when referring to that order. In that case the firms always knew in what sequence, or rather what priority any such business order had and how they had to deal with it.

Q What do the numbers on the right indicate. In other words, the 603-10? I understood you to say that the number 10 indicates that that particular problem is within the sphere of Dr. Sauerbruch's authority. That would mean the number preceding it - 548 - indicates?

A That I cannot tell you with certainty. Now for the very first time I looked at such card index pages while in prison. Perhaps they are some registration figures, but I couldn't tell you with certainty.

Q Can you tell by looking at the card index system reflected in the Prosecution Exhibit, Document 690, and Blum Exhibit 3, Document 691, when the cards were prepared? That is to say, the day and the date?

A I can't find the date here. I can't tell you that. There is no date there and, as I said before, I saw these card indexes for the first time while in prison.

Q Do you know what agency prepared or kept these cards?

A In my opinion, they could have only be done in the Reich Research Council. In the Reich Research Council there were various offices. I, personally, had no office in the Reich Research Council.

Q Do you know whether or not the Reich Research Council kept several series of numbers to indicate the importance of the various projects they had before them?

... Int, in my opinion, can only be seen by looking at the SS number, that is how it was. The so-called SS number, which has nothing to do with the party formation, had various degrees of urgency. I know that. In addition to the SS number there was a so-called S number, that is, one single S. This S, in my opinion or according to my story, showed less importance than the priority that the double S was mentioned. Then, beyond this priority SS, there was a yet higher priority; that was DS, I repeat, DS, but I do not see it mentioned here. The explanation for DS means, in effect, "urgent development" and that meant a higher priority. Beyond that there was a yet higher priority but I cannot tell you exactly how it is designated.

THE PRESIDENT: Counsel will see to it that those documents which have been admitted in evidence on behalf of defendant Blane are translated and included in Blane's supplemental documents, Appendix 2. We have Appendix 1. We have Document Book 1, then we have Appendix 1. These should be included and furnished on or before Appendix 2.

DR. SAUTER: Yes, certainly. Gentlemen of the Tribunal, I may perhaps be able to answer the question of the Tribunal by examining the witness.

Q. Witness, before me I have a document which I received from the Prosecution at that time. I do not know whether I received it by oversight. I really must assume that I received it by oversight. This is the document 788, if I read it correctly, and I have it the Exhibit number Blane No. 5. I shall present this document to the Tribunal very soon. This is an index entitled, and I quote the title: "Registration Number in the Registration Office of the Expert Office of the R.S.R." which is the Reich Research Council. That is the title. Then it has "1. Research on Forestry and Wood Research."

Then it says "Sciences" etc. and it goes on up to No. 10. Under No. 10 it says "General Medicine." That is No. 10, General Medicine. Under No. 15 it says "Plenipotentiary for Cancer Research."

On the whole it contains 27 such departments. This is Document No. 788, also Exhibit No. 5; it is supplemented by a further document which perhaps was also given to me by overland, which is document No. 689, which I previously gave also Exhibit No. 6. I shall present this document, too, with the photostat copies, to the Tribunal very soon. Here there is no title and no signature but it says: "1. Branch, Professor Sauerbrunn." Then it goes on, 2, 3, etc. I skip this one then it says "17. Branch, Sauerbrunn." Then I skip another few numbers to where it says "18. Professor Blom." I submit these two documents, which are also Exhibits No. 4 and No. 5, in their photostat copies and I shall, at a future date, submit translations of these documents and call them to the Document Book Blom, for the approval of the Tribunal.

Witness, after having heard of these two documents can you, under oath, tell us whether it is correct to say that from these two documents it can be concluded that No. 10 was the number of Geheimrat Sauerbrunn, for his field of work, namely, "General Medicine" and whether the number 15 was your own number for your field of work "Plenipotentiary for Cancer Research"? Is that correct?

A. Yes.

Q. Now, if you would again look at these two documents, Witness, which are in front of you in the photostat copies, that is Document 690 and Document 691, and if you again look at the numbers which are on the right-hand side of any statement, then you will, for instance, find in Document 691, Card Index Page Sauerbrunn, on the right-hand side of the

assignment, "Hirt-Strasbourg" the number 548-10.

A. Yes.

Q. Is it correct that this number means that this order 548 belongs to the field of work No. 10 Branch Sauerbruch, is that correct?

A. Yes.

Q. If you then look at Document 690 you will, for instance, find at the side of the order to "Hirt, Strasbourg" on your card index page, the number at the right hand side, 1881-15. Would you think it is correct to say on the basis of your knowledge that this is meant as Order No. 1881 of Branch No. 15, which was under your charge?

A. Yes, that is correct.

Q. Witness, on the left hand side of the Document 691, that is Sauerbruch's card index page, with reference to order "Hirt Strasbourg" you find there the number at left hand 0323. On your own card index page, that is Document 690, you find on the left hand side a number which is almost the same, namely, 0329. Can you conclude from the fact that these two numbers are almost synonymous, according to your knowledge of the situation, that these two alleged assignments to Hirt were given approximately at the same period of time because they bear almost the same number, or would you consider that it is possible that the number 0323 is in error and that on the other hand another figure should be substituted, 0325, as it can be found in the card index page of Sauerbruch?

A. Both of these possibilities may exist; I cannot tell you that here with certainty, but judging from the slight difference in 0323 and 0329, it is obvious that these so-called separate assignments must have been given at the same time.

Q. Witness, we know now, on the basis of the documents submitted, that you were entrusted in the Social Research Council

with the Department Cancer Research and we also knew that Geheimrat Dr. Sauerbruch was the Department General Medicine or, as it says in other documents, "Classical Medicine." I ask you to once more look at these assignments, namely at the assignment "Rascher-Daniel" under the left number 0328 and I ask you to look at the assignment "Firt" number 0329. One assignment reads "Reforming, etc." The other assignment reads, or refers to changes in the living organism under the influence of certain causes. Now I am asking you, do these two assignments belong to the sphere of cancer research with you were entrusted within the Reich Research Council, or do they belong to the sphere of general or classical medicine with which Geheimrat Sauerbruch was entrusted as the Departmental Head? I ask you to answer this question very clearly because from that the conclusion may be drawn whether there is an error or a mistake in the entries.

A These assignments quite equivocally belong in the sphere of work of Geheimrat Sauerbruch, which is the sphere of general (classical) medicine.

Q Witness, looking at the documents once more, and now for the last time, you will find in the Document No. 890 mentioned of, and I quote, "Cancer Research Worked on By Professor Dr. Sione." Underneath that you find the word, "Deputy Dr. Breuer," and his address is given; now, and looking at Document No. 891, which is the card index page of Sauerbruch, you will find a similar notation worked on by Staatsrat Professor Dr. Sauerbruch; underneath that the words, and I quote, "Deputy Dr. Breuer," and then the words, to which I attach particular value, "General (Classical) Medicine," -- "General" and parenthesis Classical, end of parenthesis, and "Medicine." On another occasion the prosecution attached value to the evaluation that Professor Breuer was your representative, your deputy; now, will you please tell us whether it is not correct on the basis of these documents, and whether it can not be concerned in you that Dr. Breuer was also your deputy, but also the deputy of Dr. Sauerbruch?

A Yes, that is correct.

Q Was he a physician?

A He was a physician.

Q Was he an employee of the Reich Research Council?

A He was an employee of the Reich Research Council.

Q And the address it is given under Dr. Sauerbruch's name, Berlin-Steglitz, Grunewald Strasse No. 35. That is the address of the Reich Research Council.

Q And then I ask you to once more look at Document No. 890, which is your card index page, and give us your opinion about the question whether your name is only written

by typewriter, or whether it was put on by your hand?

A My name by hand?

Q Yes.

A Well, it is there three times, but there is just a stamp there.

Q Yes, but there is no handwriting?

A No, I said before I saw these card index pages for the very first time since my imprisonment.

Q Now, I would again be interested to know when exactly this order "Rascher" was given or when you gained knowledge of it, and I mean the order under No. 8328 on your card index page entitled "Rewarding after General Freezing of the Human Body;" when was this assignment given?

A I can conclude from another document, and I believe that is the letter by Rascher to Heff, where it says that Rascher received a research assignment from the Reich Research Council about similar subjects. If in the letter from Rascher to Heff it says that Rascher had already received the assignment, then in my opinion this assignment must have been given in October.

Q When?

A Yes, October, 1943.

Q October 1943?

A Yes, it would have been given at that time. Naturally, I can't say with certainty whether the assertions made by Rascher in his letter to Heff were correct, or whether Rascher was only counting on receiving that assignment at that time, and in spite of that already wrote to Heff that he received an order already. That, of course, I can't know, and I can't judge it. If I consider that question and if I think when I received it, about the fact that I was supposed to have given that order, then I estimate that it was appro-

imately in the beginning of 1944. I said before I think that the Plenipotentiary, the departmental heads, from time to time received excerpts of the entries of their research assignments, and I think that occurred once every quarter, once every three months.

Q. Witness, with reference to that date, I attach particular value to that date, and I shall tell you why; but before that I want to remind you about Siever's file notation, that is the file notation of the Annenberbe dated 8th of May, 1944 -- I mentioned it before -- this is an index of the research assignments which Rascher received from the Reich Research Council and it says under Figure I, it says that Rascher had received the order for the rewarding of the prize on 4th October, 1943. I repeat the date, 4th October 1943. Now, if you recollect this file notation, would you believe today that this date can be correct, approximately?

A. Yes, I think it should be correct.

Q. Rascher at that time received the assignment; can you tell us whether Rascher, in effect, execute this assignment; that would have been in the period October 1943 up to the spring of 1945; what do you know about that?

A. No, the order, the assignment, was not executed now in the winter of 1943-1944, and certainly not in the winter of 1944 to 1945. In the winter of 1944 and 1945 Rascher had been arrested for sometime. Perhaps he wasn't living anymore at that time. In the winter of 1943-1944 it was not executed either. That can also be seen from Siever's Diary. It can be seen from an entry made on the 22nd of March 1944, whereupon everything was to be prepared for such experiments in the winter of 1944-1945. This is in accordance with what Rascher had told me. According to it there were differences

of opinion between Himmler and Reichartz Grawitz about whether the experiments were to be conducted at the front or in mountain territory, as demanded by Himmler, and I already said that Rescher had told me that the winter of 1943-1944 had progressed too far timely in order to even think of such experiments.

THE PRESIDENT: Counsel, the Tribunal will be in recess at this time.

(a recess was taken)

Court I

THE PRESIDENT: The Tribunal is again in session.

BY DR. SAMPSON:

Q. Witness, I have only one broad final question on the subject which we have just been discussing. You said that these two entities, the Research and Birth were put on a par card about the accident. For this reason I would be interested in knowing was the Reich Research Council an old agency with trained reliable personnel, or was it a new institution which was created only during the war which had a great scarcity of personnel and which frequently had to work with personnel which was not experienced and was chartered a great deal during the war? What can you tell me on this point, but please be brief.

A. In 1942 a new Reich Research Council was created by law. The tasks of this Reich Research Council were much more extensive than those of the old Reich Research Council. Their reorganization was primarily carried out in 1943. With the many additional tasks, the need for personnel, of course, became greater. On the other hand, the old experts, the male personnel, that is, were drafted into the army. The agencies had to be filled up, but there was no trained personnel available.

In many cases only people who, available up to now could work half a day, for example, women who had families, and who formerly been secretaries and who were now called upon to work half-days up or the total war effort. I estimate that the total personnel was only a hundred people. In addition, the business of the Reich Research Council was hampered with by the fact that the building was hit at least twice in air raids, partly destroyed, and this, of course, brought considerable disorder.

Q. Now I come to another point, witness. The witness, Otto Syor, in the session of the 15th of January here stated that the Reich Research Council had a Dr. Hagen, Professor Hagen in Strassburg, assigned for typhus or yellow fever research. Did you have anything to do with these assignments which Professor Hagen was given by the Reich Research Council?

A. No, I had nothing to do with them. Such assignments were in the

Chart I

work of Professor Schreiber. He was in charge of epidemic research.

Q. Did you have any contact with Professor Hagen in Strasbourg about this assignment for typhus or yellow fever experiments, or did you have any contact with Professor Hirth in Strasbourg on the assignment concerning chemical warfare agents? Did you have any oral conversation with them? Did you give them any instructions? Did you get any information from them?

A. I did not know either Professor Hirth personally. I did not have anything to do with them officially either.

Q. Did you from this Professor Hirth, for example, who, I believe had research assignments for chemical warfare agents, get regular reports which he would put up at the work done on his assignment?

A. No. I did not receive any reports either from Professor Hagen or from Professor Hirth. In my opinion, such reports would have been sent only to Professor Schreiber.

Q. Professor Schreiber was has been mentioned here reportedly?

A. Yes, that is the man.

Q. Professor, also, you were has been mentioned in connection with malaria experiments, is it? Did you have any contact with them?

A. No.

Q. When did you first hear of such experiments?

A. I heard of these experiments for the first time when I was a prisoner in the prison information at Oberursel.

Q. When was that for the first time?

A. That was about the end of 1945 or the beginning of 1946.

Q. But you were in Dachau several times, weren't you, when you were Deputy Group Physicians Leader? In these visits at Dachau, or as Deputy of the Group Physicians Leader, Conti, did you ever hear anything about these experiments?

A. No, I did not hear anything about this. I don't know Professor Schilling. I never saw this Institute or section of Professor Schilling's. I never received any reports not even indirectly through Dr. Conti.

Q As Deputy Reich Physician Leader, or in any other capacity, did you have anything to do directly with the SS officers, especially in the concentration camps, or did you have anything to do with the Health Service of the concentration camps?

A No.

Q Nothing at all?

A No, nothing at all. For the SS doctors in concentration camps, for the doctors of the Waffen SS, for all the doctors of the Wehrmacht, and for all the official government doctors, the Reich Chamber of Physicians was not the supervisory authority. They were not under the disciplinary authority of the Reich Chamber of Physicians and they were not under any authority.

Q Now, Dr. Blome, I should like to show you something which your co-defendant, Rudolf Brandt asserted at one time, on the 24th of October 1946 he made two affidavits. One of them has the exhibit number 329, document 444. This affidavit deals with the experiments in the concentration camps. In this affidavit, the co-defendant, Karl Brandt, mentions various persons who he says know all about these experiments. This is Rudolf Brandt. He mentions Karl Brandt, Grunitz, Gensharit, Mrazowsky, Poppenlick and Sievers, and finally says, and this is the point I am showing to you: "Karl Blome in his capacity as Deputy of Conti must have been informed, just as well as the latter himself." What do you have to say about this statement of your co-defendant, Rudolf Brandt?

A This statement has no basis in fact. Therefore, I ask you to examine the defendant Rudolf Brandt, how he came to make such a statement.

Q Then how do you explain the fact that Rudolf Brandt makes such a statement?

A One could find various explanations.

Q You know nothing definite?

A No.

Q Then we will ask him himself afterwards. Now I go on to another subject in connection with which your name has also been mentioned, 'lost gas

Did you have any part in the lost gas experiments, for example, as they were carried out in the concentration camp Sachsenhausen and Natzweiler?

A. No.

Q. When did you hear for the first time of these experiments?

A. Here in Nurnberg.

Q. Here in Nurnberg?

A. Yes.

Q. And how do you explain the fact that in spite of your various positions you did not hear about these earlier, that is, before 1945?

A. That had nothing to do with my work either in The Reich Chamber of Physicians or in the Office of Public Health or in the Reich Research Council.

Q. Then it was completely outside of your competence?

A. Yes.

Q. Did you ever visit this concentration camp Sachsenhausen or Natzweiler where 'lost gas' experiments were carried out? Did you ever talk to the doctors there about such matters?

A. No, I did not visit these concentration camps, consequently I did not talk to the doctors there. I know only the concentration camp Dachau. I was there two or three times, certainly twice I visited Dr. Rascher and a third time before the war I was with the late Reich Physician Leader Wagner to inspect the concentration camp Dachau. I know no other, concentration camp.

Q. Professor please, a while ago I showed you an affidavit of Rudolf Brant where he charges you with the malaria experiments. Now I have here another affidavit of this Rudolf Brant. In document book 13 of the Prosecution, page 1, No. 372, Prosecution Exhibit 252, here Rudolf Brant says at the end, similar to the other affidavit: "Professor Dr. Kurt Blum, also, Deputy Reich Health Leader, and Deputy Reich Physicians Leader was certainly" - he says "certainly" - "informed about these experiments." That was what Rudolf Brant says: What do you have to say about that?

A. This is also an unfounded statement, just as well as the one about malaria.

Q Did you have any part in the sulfonamide experiments?

A No.

Q Were you ever in a concentration camp Ravensbrueck where they were carried out?

A No.

Q Did you talk to the defendants specifically responsible for this about it?

A No.

Q Did you discuss it with other doctors who worked in that camp?

A No.

Q Professor Himm were you at a meeting, a conference or consulting physicians at which these sulfonamide experiments were reported on?

A I did not participate in such a meeting.

Q No such meeting?

A No, not any of my associates.

Q Not this Dr. Gross whom we talked about a few days ago?

A No, not Dr. Gross either. I have already pointed out that this was an error on the part of the Prosecution apparently.

Q Now I come to typhus vaccine, Dr. Himm. In a session of 18 February 1944, 1944, Prosecution a letter of Dr. Handloser to the Reich Health Leader, Dr. Goetti. In this letter, Dr. Handloser referred to the increasing need for typhus vaccine and suggested that the production of typhus vaccine should be put in the hands of the pharmaceutical industry. Did you, as Deputy Reich Physician Leader, learn of this letter?

A No, I did not know about it, and this letter was probably not sent to the Reich Physician Leader, Dr. Goetti, but to the State Secretary in the Ministry of the Interior, and I was not a Deputy in that capacity.

Q Then that referred only to the competency of Dr. Goetti as State Secretary in the Reich Ministry of the Interior for the State Health System?

A Yes.

Q In the same session, 16 February, another document was submitted No. 1315, Exhibit 454, a file note of the 4 January, 1942, which deals with the production of typhus vaccine. The heading is: Reich Ministry of the Interior and Ministerialrat, Dr. Sieber, is mentioned. Did this Dr. Sieber have anything to do with your office? Was he under your authority? Did he report to you?

A No. Ministerialrat Professor Sieber had nothing to do with the Reich Chamber of Physicians or with the office of public health. He was Ministerialrat in the ministry of the Interior. He was under Dr. Conti there. He was in charge of the department of epidemic control. He was an expert in Hygiene and Bacteriology.

Q Now, witness, I come to a different problem. That is, the suggestion made at that time that the Poles should be liquidated, that is, the Poles suffering from incurable contagious tuberculosis. A Document Book was submitted on that subject. Concerning your participation in the plan for the extermination of tuberculous Poles you were examined in January 1946 at Oberursel, and on 9 and 22 October 1946 here in the Prison. Were the statements you made at that time true?

A Yes. But, I must add that concerning this business about the tuberculous Poles, as far as I recall, I said it was in 1943, while in reality, as the files now show, it took place in 1942. I must also say that my letter to Greiser in November 1942 has been shown to me here. I was asked whether this was my letter, whether I had written this letter. I said "No". I said this because it was not a photostatic copy, but a photostatic copy of a copy. I objected to several things in the letter and did not acknowledge it at that time. They were external matters which occasioned me to make that statement. Later, however, in December, when you took over my case, you gave me this photostatic copy, and I had an opportunity to study it carefully and reconstruct conditions which had existed at the time and, therefore, I now acknowledge this letter as authentic.

Q Is it true, Dr. Blum, that the Prosecution learned for the first time of this plan to exterminate the Poles through you? Dr. Blum, what can you say about that?

A Yes. The Prosecution learned from me for the first time of this plan. In 1942 I told my interrogator, Captain Urbach at Oberursel, after he had described the details of the atrocities which I had not known about up to that time.

Q You just said 1942.

A I meant 1945. I meant December 1945. I beg your pardon. I do not believe that the Prosecution had any knowledge of this, at least not at Oberursel.

Q Dr. Blome, this whole matter begins with a letter of the Reich Governor Greiser of the first of May 1942 which is in Document Book 9, page 1. It is Document 246, exhibit 196. Tell us briefly who was Greiser.

A This was Arthur Greiser, Gauleiter of the Warthegau, the Reich Governor of the Wartheland, and the Reich Defense Commissioner of the Wartheland.

Q This Gauleiter Greiser, who was a Gauleiter in a district which not belongs to Poland, on the first of May 1942 sent a letter to the Reich Fuehrer SS suggesting that Poles suffering from tuberculosis in the Wartheland should be liquidated if the existence of open tuberculosis and the incurability of the patients was established by official doctors. In this regard Greiser writes, and this is what I want to ask you about, I quote, "The increasing dangers were also recognized and appreciated by Deputy Reich Leader of Public Health, Dr. Blome, as well as by SS Foreigners Battalion SS Fremdensturmbann Leader SS, Dr. Hohlfelder." That is the quotation. What can you tell us today about the apparently early discussion between you and Gauleiter Greiser?

A I talked to Gauleiter Greiser about combating tuberculosis in Wartheland about three times, certainly once in the presence of Professor Hohlfelder. These discussions go back to the year 1941. I can recall that Greiser once said that the simplest thing would be to treat the incurable tuberculous Poles exactly like the insane persons by Euthanasia. I pointed out that the comparison was not valid. The Poles, I said also, were not German citizens. The plan which Greiser was considering was a radical solution but I could not agree to it. When sometime later I learned of the so-called Fuehrer order according to which the Euthanasia action was stopped and prohibited I considered this matter, respectively the statement of Greiser, settled. Then the year 1942 was filled with purely organizational preparation for the tuberculosis action. For example: All the population had to be collected in card index files, Germans as well as Poles; preparations had to be made for the medical and clinical care of the sick, preparations for x-ray

examinations. Then these examinations had to be evaluated, etc. The latter was a matter for the State Health offices, the NSV, that is the National Socialist Welfare organization and the X-Ray Battalion (Sturmabteilung) which was to carry out these examinations technically. From time to time I had a report from Professor Mohlfelder about the preparations. Only when all prerequisites were fulfilled, did I give my approval for such a big action. The execution of this action was dependent upon my personal approval. Only then did I take any action in this tuberculosis matter in the Warthegau -- when I received alarming reports about the insensible liquidation order from Himmler. I learned of it because at the beginning of November Sturmabteilung Perwitschky came to my office in Berlin and reported to me that Greiser had an order from Himmler that incurably sick cases of tuberculosis, found in the planned examinations in the Wartheland, were to be liquidated. Perwitschky belonged to the X-Ray Battalion. He was business manager for the society combatting tuberculosis. Then I immediately reached an agreement with Perwitschky that I would meet Professor Mohlfelder at Posen to discuss the matter and to prevent Himmler's and Greiser's plans from being carried out. I went to Posen. I discussed the matter with Mohlfelder. We were both greatly astonished at this order from Himmler. We agreed that this order must not be carried out, and that we as German doctors could not lend our hand to such an action. We discussed the manner in which this Himmler-Greiser plan could be frustrated. We decided that I should go to Greiser first of all. I telephoned Greiser from this conference and said that it was very important that I should speak to him. Then I talked to him on the same day, or on the next day. When I asked Greiser whether Himmler's orders for liquidating were correct, he said "Yes." He said he had the order in his hands. I said that I was willing to prevent this plan in any case and I explained why. I said that as a doctor I could not participate in this and, in the second place, I pointed out the political danger connected with such a crime.

Then Greiser agreed that I was to write a letter for him which he would pass on to Himmler for a decision. As for Greiser's letter to Himmler of the 1st of May 1942, which you just mentioned, Dr. Sauter, I learned of it for the first time from the files here, and Himmler's opinion on my letter of November 1942 I learned of here for the first time too. Up to that time I did not know about Himmler's letter to Greiser. In the letter of the 1st of May 1942 from Greiser to Himmler Greiser writes - I quote, "that Rohlfelder and Bloch recognized the ever-increasing risks and appreciated them." But he doesn't write that Rohlfelder and I approved liquidation. The letter does not say that. My basic opinion on the problem is the following: Let us suppose that we, in Germany, had a valid law for the liquidation of incurably sick persons but, assuming that such a law did exist, then it would, of course, be out of the question to apply it to non-Germans. Application in this case would be a crime, especially during war. Germany had occupied foreign territory and, as occupying power, had to observe international law in the treatment given to the occupied to the occupied territories. As for the problem of tuberculosis, I had dealt with it for some time, especially since 1935 when I had incorporated the tuberculosis question into the post-graduate medical training. In 1937 Professor Janker, Bonn, a well-known X-ray specialist, called upon me for aid in developing a new procedure which, with a minimum of cost, would make it possible to examine large groups of the population. This was the so-called X-ray screen photography which was developed. I shall give you a brief explanation of this. For an X-ray picture of the lungs a film had been needed of 34 by 30 centimeters. This new procedure required only a film of about 4 by 4 centimeters. That is, the so-called Leica size. The pictures are taken with a Leica. The X-ray screen was photographed. The successful development of this procedure meant that in place of the price for an X-ray picture, which the Social Insurance had paid, of from twelve to thirteen marks, it now could be produced for about ten pfennigs; that is, less than 1 percent.

The further value of the development of this procedure was that one would not need several minutes for an X-ray picture, but that this procedure was developed to such an extent that we could take two hundred to three hundred pictures per minute. Together with Jenker I developed this screen picture procedure until we came to the results which I have just described. At the X-ray Congress in 1928 in Munich in May I gave this procedure public and I observed that with the aid of this procedure public and I observed that with the aid of this procedure one could begin a large scale fight against tuberculosis. Only a few people believed my words at the time and some people smiled pityingly. After this Congress Professor Rohlfelder, who was later commander of the X-ray battalion, came to me and, working together with X-ray science, optical industry, film industry, X-ray industry, screen industry, etc., we developed the procedure during the course of that same year to such an extent that in a short time we were able to X-ray the whole province of Mecklenburg. The procedure was then gradually developed so that we could easily have X-rayed ten million or more in Germany per year. Then, during the war, at my institution in 1939 and 1940 we X-rayed the whole Province of Westphalia; then in 1941 the whole province of Württemberg, including Bismarck, and now there was a plan to X-ray the Netherlands. Guleiter Greiser had approached me because approval had to be obtained from me and I gave such approval only if all prerequisites were given so that the patients who were discovered could be given the necessary medical and clinical attention. It had been our experience in these examinations that we found 1 percent new tuberculosis cases which had hitherto been completely unknown. For the Netherlands alone, with a Polish population of four and one-half millions, that would have been forty-five thousand new cases of tuberculosis, not counting the ten thousand from the one million German population. I had reserved the approval for such actions because at that time, with the development of this invention, a plan of irresponsible X-raying was being carried out by various Guleiters and by large industries. Everyone wanted to take up the battle against tubercu-

losses but that would have been a disaster unless there had been this block that, when whole groups of population were X-rayed, there had to be the necessary preparation of medical supplies from the beginning. Otherwise, there would have been a catastrophe. Through this action and through very few cases of tuberculosis which were discovered, I knowingly put the state in a difficult situation. I forced the state to issue a new law for the fight against tuberculosis. This law which was issued was the Tuberculosis Aid Law. This law formed the basis for the lung examinations of the population of the Wartheland which was actually carried out in 1943-1944, and the advantages of this law, it can be proved, were not to the advantage only of the German population in the Wartheland, but also of the Polish population, as is clear from the affidavit of Regierungsdirektor Dr. Gastermann. Dr. Gastermann was the Chief Medical Officer of the Wartheland; that is, he had the main responsibility for the fight against tuberculosis in this Gau.

Q. Dr. Blum, before we go into the letter of the 18th of November 1942, which is Document 250 in Document Book 2, I should like to go back to the time in the spring of 1942. We just heard of a letter from Gauleiter Greiser of the 1st of May 1942, where he suggests that Poles suffering from tuberculosis should be liquidated. Where he writes "that the ever increasing risks were also recognized and appreciated by the Deputy of the Reichsfuehrer, Professor Dr. Blum." So far the quotation. You said that Greiser does not mention that you approved the plan for the liquidation of the Poles. I would be interested in knowing what your attitude was at that time in the spring of 1942 toward this plan. Did you approve of the plan to liquidate tubercular Poles? Did you reject it? What did you say about it?

Q. In the spring of 1942 I expressed no attitude in respect to this plan at all. The discussion with Greiser, as I said, went back to the year 1941, at the time when the euthanasia action was still in operation. In 1942 I did not talk to Greiser about such a plan at all. I had no knowledge that Greiser intended to write this letter in May 1942 to Himmler, or that he did write it. I learned of it only later. After Greiser made his statements in connection with euthanasia, but the euthanasia action had been stopped by Hitler's order, of course I was led to a suspicion as to the part of Greiser were involved too. I did not approve of his ideas, as I said before.

Q. Now, if I understand you correctly, you did not deal with this letter in the fall of 1942 when this Frawitzky brought you alarming news?

A. Yes, that is right.

Q. Can you tell us why Gauleiter Greiser discussed this tuberculosis problem specifically with you?

A. The reason was, as I have already said, that the execution of such an action depended on my approval. If I said the X-raying will not be X-rayed, it was not X-rayed, even if the Gauleiter stood on his head.

Q. Dr. Flomo, Gauleiter Greiser was not thinking of X-raying apparently but of liquidating. The letter of 1 May 1942, when he makes the suggestion speaks only of liquidation. It says nothing about X-raying. I would like to find out how you got into this letter — when you heard of Greiser's plan for the first time, this was to eliminate the tubercular Poles?

A. Of course Gauleiter Greiser was thinking of X-raying; that is the prerequisite for finding incurable cases of tuberculosis.

Q. Now, witness, on the 14th of November you wrote a letter, which is in Document Book 9, as Prosecution Document 250, Exhibit 203. This is the letter concerning which the Prosecution has said that it was a "masterpiece of murderous intention." Did you discuss this letter beforehand with the Reich Physician Lohmer, Dr. Conti?

A. No. After I had talked to Greiser I saw Conti briefly in Berlin

or I went to see Conti and report to him about the plan and about my talk with Gueiss. Dr. Conti said - "What do you want? That's an order from the Reichsfuehrer, that is, Himmler." Then I said to Conti what I had agreed upon with Kueiser and that I would write a letter to that effect to be sent on to Himmler. Then he agreed to that and agreed to my writing this letter. But I did not discuss the contents with Dr. Conti. I did not see any point in doing so. This statement of Conti's showed that he knew about this plan of liquidation.

Q. Witness, this letter which you wrote to Guelfter Gueiss, where you expressed liquidation of the Poles - did you write this by yourself or did you discuss the formulation of this letter with anyone?

A. First I wrote the letter by myself. After I had come back to Berlin from Poznan I had to go to Munich. After I came back from Munich I wrote this letter. I made various rough drafts. It was not easy. I had discussed the general tactics with Gueissler and we would start right at the beginning of the letter by apparently agreeing to the ideas but then in the second part of the letter to list all political factors which might induce Himmler and the others to give up such an action. It was not easy to write such a letter. I worried about this letter a great deal until I thought I finally had a right draft.

In my preliminary interrogation an interrogator asked me something to this effect: "Why did you not simply give up your office and resign when you heard about this plan?" I must say the following: It would, of course, have been the simplest thing for me to take advantage of this opportunity to give up my position. Then I would have had nothing more to do with the whole matter, at least 40,000 Reichsmarks.

could have been murdered, and I would not be under in court today for this point. Please excuse me for saying this but I must say it when such a charge is made against me. I will try to speak as dispassionately as possible. Dr. Sarter has just said that the prosecution considers my letter a "masterpiece of murderous intention." I now state the following. The Prosecution, in addition to this questionable affidavit of Rudolf Brandt, has not a single moment to prove the murder of tubercular babies by me. On the contrary, the Prosecution has submitted Himmler's answering letter of the end of November 1942, according to which, Himmler, in answer to my letter, prohibited the liquidation of the tubercular babies and this letter expressly says that my suggestion was to be rejected and that this letter was to be used in propaganda. Nevertheless, the Prosecution makes such charges in this form against me. I am accused of being a murderer 10,000 times for a crime which I did not commit but which I prevented, as I can prove. I should like to say something else. The press, of course, has taken up this charge. I can not help that against the press. The consequence of this news, however, was that my family, my wife and my little children, are subjected to unpleasant and even threats. Through this assertion of the Prosecution the name of SS has been defamed in such a way as it does not deserve, especially not if it can be proved that one prevented the crime with which one is charged.

DR. SATER: If it please Your Honor, I object to any further comment of this type from the witness.

THE PRESIDENT: Objection overruled. Witness may continue.

A. I beg your pardon if I am further excited. I should like to conclude my statement by saying that I hope that this case will soon be cleared up and that then the press will be able to state that I not only did not commit this crime but that I actually prevented it.

DR. SATER: Mr. President, I should like to discuss with the witness the letter of 18 November 1942 in which the defendant prevented the murder of the babies. It will take some time. I believe this would be a good time to break.

THE PRESIDENT: The Tribunal desires to inform to all concerned that for the next few days, at least, the Tribunal will not take an afternoon recess. At 3:30 o'clock will recess until 9:30 o'clock the next morning. The Tribunal will now be in recess until 1:30.

(A recess was taken until 1330 hours)

could have been murdered, and I would not be here in court today for this point. Please excuse me for saying this but I must say it when such a charge is made against me. I will try to speak as dispassionately as possible. Dr. Senter has just said that the prosecution considers my letter a "manifestation of murderous intention." I now state the following. The Prosecution, in addition to this questionable affidavit of Rudolf Wendt, has not a single argument to prove the murder of Ambassador Selman by me. On the contrary, the Prosecution has submitted Selman's answering letter of the end of November 1942, according to which, Selman, in answer to my letter, prohibited the circulation of the Ambassador's letter and this letter expressly says that my suggestion was to be retained and that this letter was to be used in proceedings. Nevertheless, the Prosecution makes such charges in this form against me. I am accused of being a murderer 10,000 times for a crime which I did not commit but which I prevented, as I have proved. I should like to say something else. The press, of course, has taken up this charge. I can not hold that against the press. The consequence of this news, however, was that my family, my wife and my little children, are subjected to unpleasant and even threats. Through this assertion of the Prosecution the name of Selman has been defamed in such a way as it does not deserve, especially not if it can be proved that he prevented the crime with which one is charged.

THE PRESIDENT: If it please the Court, I object to any further comment of this type from the witness.

THE PRESIDENT: Objection overruled. Witness may continue.

THE WITNESS: I am very sorry if I am further excused. I should like to conclude my statement by saying that I hope that this case will soon be cleared up and that then the press will be able to state clearly that I not only did not commit this crime but that I actually prevented it.

DR. SENTER: Mr. President, I should like to discuss with the witness the letter of 18 November 1942 in which the defendant prevented the murder of the Ambassador. It will take some time. I believe this would be a good time to break.

THE PRESIDENT: The Tribunal decides to announce to all concerned that the next few days, at least, the Tribunal will not take an afternoon recess. At 3:30 o'clock will recess until 9:30 o'clock the next morning. The Tribunal will now be in recess until 1:30.

(A recess was taken until 1330 hours)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION - Resumed.

BY DR. SAUTER:

Q Witness, during the morning session you explained to us among other things the new manner of x-ray photography, the so-called screen photograph; you stated that using this new method one could use 200 to 300 photos per minute; were you not wrong, didn't you mean perhaps per hour and not per minute?

A Yes, per hour.

Q I just wanted to correct that so that it does not appear erroneously in the record. We shall continue, witness, with the letter, which we have discussed repeatedly, the letter of November 18, 1942, which is to be found in Document Book No. 9 regarding the extermination of Poles, it is No. 250 Exhibit 203, that is Document 250, Exhibit 203. It is a letter in which you define your attitude to the proposal made by Greiser namely to liquidate these tubercular Poles; do you know the contents of that letter?

A Yes.

Q In this letter you made certain proposals, now I ask you to tell us what suggestions you actually made in that letter; do you need the letter for that purpose?

A Thank you, I have it. As the most suitable suggestion, I consider my suggestion to create an area, an area in which one could put the tubercular Poles and I reminded of the well known throughout the world leper areas. I must emphasize that there is a considerable difference between tuberculosis and leprosy.

When I made the last draft of my letter, the leading medical officer of the War the Gau was suddenly announced to me and Dr. Gundermann was the highest state medical officer of the Warthe Gau. Dr. Gundermann reported to me and said that he had just come from Dr. Conti, he said that he heard rumors from the Warthe Gau, according to which tubercular Poles were to be liquidated. Dr. Conti maintained a very evasive attitude toward him so he actually left

Dr. Conti without having acquired any results and thereupon he had decided come to me. I told him that he had come at the most suitable moment, I explained to him the position as it had developed in the meantime. I told him of my conversation with Hohlfelder and of my conversation with Greiser and the letter which was arranged. He was very pleased about it and was pleased that I had the same rejecting attitude that he had. I showed him the draft of my letter and he made a few suggestions in that connection. The number of geographical details in the letter originated actually from Gunderyann. In particular, he emphasized the importance of a special settlement of the tubercular Poles and he recognized this as the most suitable solution. Such suggestions I had already known, especially coming from the tuberculosis meeting of the year 1937. During that meeting, two well known German tuberculosis experts, Dr. Born and Dr. Rein had lectured about tuberculosis settlements, excerpts from those speeches are contained in my document book. I felt that experiments had been made with such tuberculosis settlements not only in Germany, but also in England. When making my suggestion to Himmler I explained in detail how such a suggestion could be realized, in my letter I explained the tactics that were to be used, taking into consideration the mentality of people like Greiser and Himmler and made it appear as though I wanted to agree to their liquidation program. Afterwards I cited all the political misgivings I had by naming individual examples that I could cite. I then said that on one experiment the severely ill people and the people where there was a danger of infection would be excluded and I said that Polish physicians and Polish nursing personnel were to be attached to these severely ill patients in order to avoid the appearance of a death camp. Every physician knows, and it is also known in lay-men circles, that if one isolates severely ill people, such an isolation is soon being considered as an isolation for death and that is why I said that the necessary Polish physicians and the nursing personnel had to be attached to these camps. I considered as my basic suggestion the creation of a reservation for all tubercular Poles.

In particular, I wish to point out the following in my letter, I said and I quote: "I could imagine that the Fuehrer having sometime ago stopped

the program in the insane asylums might at this moment considers a special treatment of the incurably sick as unsuitable and irresponsible from a political point of view." I mentioned that because Grieser's suggestion from the year 1941 pointed to a comparison with the Euthanasia action, but in order to be quite sure that these political misgivings also reached Hitler and that the decision was not mainly in the hands of Himmler, I sent a copy of my letter directly to Martin Bormann. I furthermore want to point out the following matter, I said: "I consider any secrecy as completely impossible." In this connection, I should like to point to a letter concerning a different action, namely the letter of the deputy gauleiter of the Lower Danube, dated the 30th of 1942, where experiments are being suggested for the sterilization of national groups such as gypsies. In this letter, contrary to my letter, a completely different tactic is used. The deputy gauleiter of the Lower Danube states that one has to keep such an action very secret, because otherwise it would have serious consequences from the point of view of the state.

MR. HARDY: Is it your intention to put this letter you are referring to in evidence or is he merely quoting from his own letter?

THE INTERPRETER: The question did not come through.

MR. HARDY: Is it the intention of the defendant to put the letter he is referring to in as evidence, or is he merely quoting from his own letter?

THE PRESIDENT: Can counsel for the defendant Elmer advise the Tribunal on that point?

Chart I

DR. SUTTER: This is a letter concerning Germany used by the Prosecution and that in this manner comes to the knowledge of the indictment and, therefore, cannot be quibbled by him. It is certainly not necessary to submit this letter once more.

THE PROSECUTOR: Would Counsel please identify the letter, the exhibit and where it may be found.

DR. SUTTER: One moment, please. Mr. President, this letter was submitted by the Prosecution in their Document Book number six in regard to sterilization experiments. It was submitted as Document number 039 -- I repeat 039 -- exhibit of the Prosecution number 153 -- 153. This is a letter by the Deputy Gauleiter of the Lower Danube District addressed to the Reichsfuehrer SS Himmler on the 28th of August 1942. This letter was already submitted by the Prosecution.

THE PROSECUTOR: In Document Book number six, page two page of the Document Book.

DR. SUTTER: In the German Document Book it comes from page 5 one, six, 16.

THE PROSECUTOR: Very well, that is sufficient.

DR. SUTTER: Document 039.

THE PROSECUTOR: The document is very good.

BY DR. SUTTER:

Q. Doctor, will you please finish your answer?

A. In this letter the Deputy Gauleiter of the Lower Danube District writes to Himmler, and I quote:

"We are quite clear as at the moment that such examination must be considered as absolutely top secrets." That is exactly contrary to the tactics which I used. I say:

"I think that any such thing is possible," and I give my reasons for that individually. I should hardly give you a short excerpt from my letter. I do point out how many Polish workers are in the German Reich. I point out that there would be questions for their relatives about their whereabouts.

Curt T

I point to a number of Germans who have reacted to these films. I point out that in the case of the films we are concerned with members of a civilized nation. I further point out that certain circles would spread a rumor about the exhibition that similar methods would be used in case of German to be regular patients in the future. I further show that in connection with the appointment of Professor Brandt to the Commissioner General, Foreign Broadcasts spread reports according to which Brandt was no longer considered with the same consideration as I seriously understood people but only with those people who had only been slightly wounded. I point out a reaction which would result in how ever. I such works with the Italian physicians and scientists shall be with the entire Italian population. I further re-print in the church, and I say that and I say that:

"Therefore, I think it is necessary to explain all these points of view to the audience but not as lecture but as drama."

With reference to my own letter of 10-1-68, I am, as a reservation, I
 say in the above last paragraph, very sorry, and I quote:

"After a proper examination of all these considerations and circumstances the creation of a reservation such as the reservation for Indians seems to be the only possible solution."

Believe that I have established that these settlements of tubercular persons will be effected in such a manner that the members of their families who were willing to settle on settled parts. In this regard in addition to the necessity, herein mentioned and the necessary Polish physicians, the necessary medical care will be reformed.

Q. Likewise, you previously referred to your experience, and you speak about a course regarding "collective bargaining" in which you participated.

D. SAVER: Mr. President, I have George F. in the record of this
 1. records of a race which I have submitted to Document Book Bism. No. 14.
 This is Document Book Bism. No. 14, page 20 to 30. This is a report about
 the fair's progress and a race — on that. Yes, it is No. 14. It is

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Court I

ill tubercular Polos, as it was suggested by Greiser and Hamler, in a
crisis; in such circumstances he permitted and that I, Dr. Slone, would
have nothing to do with any such proposal? Why didn't you talk to Greiser
at that time in that sense?

4. I think that this morning I already defined my attitude toward that question very shortly and I state that the most favorable thing to be would have been just to point out two criminal aspects of this proposal when writing my letter, but I knew the mentality of these gentlemen and it was quite clear in my mind that the expression of any such point of view could only have a negative result, and in doing that I wouldn't have saved myself and much less 20,000 tubercular Poles, and they would have then been actually liquidated. If I had not wanted to represent my true point of view, frankly then I wouldn't have had to think for days about writing my letter. Then I could have been satisfied in at least five or ten minutes. I would just have had to dictate this letter and mail it, but I had become clear in my mind, and that was also the opinion of Professor Hohlfelder, that I would have appeared as if I agreed to this proposal if I wanted to have any success with my counter proposals. I was convinced that the list of all the political aspects which could bring my demand could only be of any effect if the success of my procedure quite clearly depended on my tactics. Yes, Himmler wanted really to realize this proposal I made and he wanted to exploit it propagandistically, that is stated clearly in the letter Himmler to Greis, dated at the end of November, 1942, the documentary value of my letter can objectively be seen only in the following: It shows, firstly, that there was no room for any humaneness or brutal thinking, even like Himmler and no room for any humaneness of any human nature; secondly, only through an open and clear statement of the facts could the crime against 20,000 of Poles be prevented, and I was only concerned with success.

5. Besides, the one suggestion which you put forth in your letter was No. 2 which says:

"Took from isolation of the serious ill persons". With reference to this subject, the prosecution states that during the meeting of the 19 December that I had been talking about these tubercular patients into institutions and I wrote them:

"You would that opinion so that a relatively new technique of these patients could be effected in these institutions."

is that really your intention, and did you think of any such possibility at that time, that is when you made the suggestion?

A. On the contrary I cannot recognize the evidence of the Prosecution regarding that point as being lawful. Had it been my intention to let these patients die, then I wouldn't have demanded that they be given necessary physicians and the necessary nursing personnel. In addition I want to point out what I have already said dealing with that point.

Q. The other suggestion you made at that time and which is listed under figure 3 of your letter is the creation of a reservation for all T-B patients. During the same meeting of the 12 December the Prosecution said with reference to that proposal and I quote:

"With this plan, that is, to bring all patients into a reservation and thereby isolate them from the rest of the population, you, Dr. Blome, have wanted to bring about that these ill Poles would be left with very few physicians

with little nursing personnel to their fate, and in this way the aim of liquidation of these Poles was to be realized". What do you have to say, Dr. Blome, to this motive as it was asserted by the Prosecution?

A. This motive is not correct. The contrary can clearly be seen from my letter. In that connection I may point to the explanation which I made previously regarding my letter. Furthermore, I point to the affidavit of Dr. Gandermaier. I had exactly the contrary interest to what the Prosecution tries to charge me with. I had this contrary interest only for the reason because I was planning the very same thing for Germany after the war, and if I had been able to carry through such an action and if I had been able to show any success in that action it would have been easier for me later on to have stopped these plans, rather the plans already mentioned, during that tuberculosis meeting of 1937 by pointing to the success which I made in the Warthe Gau. Even today I realize as well we haven't been able to bring about any really effective and treatment against tuberculosis or any vaccination against tuberculosis; but the only really effective solution is the creation of such settlement areas or reservations.

Dr. Blome, from your book, entitled: "Physician in Combat", which has been submitted in evidence as Blome Exhibit No. 1, in its entirety, it can be seen for quite a long time to have waged a fight against tuberculosis. (Q) you tell us on the basis of your experiences whether these proposals which you

in your letter 18 December, 1943, that is, either the housing of the tuberculosis institution, accommodation of the tuberculars in a reservation or whether these suggestions were completely different from the manner of the tuberculosis control as it was exercised in various foreign countries up to that time or if one didn't speak about the fight against tuberculosis one could speak about other infectious diseases of the same importance as tuberculosis

Naturally the plan to install a tuberculosis settlement on a large scale doesn't represent anything absolutely new because as it can be seen from the documents submitted regarding the tuberculosis settlements, such tuberculosis settlements had existed in England and Holland in addition to having with great success, but on the other hand the realization of this settlement idea would represent an enormous progress in the tuberculosis fight generally. The existence of the war difficulties, that existed in the year 1941 and 1943 did not permit this plan to be realized as it was suggested

for the German G.U., but the fight against tuberculosis continued in the usual character as it was possible during a war and as it was handled throughout the Reich, including the Germans. In other countries, other experiments were made. For instance in the year 1935 certain well known people in the city of Detroit in America, made a large scale experiment for the combat of tuberculosis. After the preparations were made the entire population of Detroit was asked by means of an enormous propaganda by press and radio to report to examination stations for tuberculosis in order to find out the source of the infection. The city of Detroit had put necessary facilities at the disposal necessary to carry out the examination and a certain number must

Especially, the colored population of Detroit reported in their entirety, or almost their entirety, for the purpose of these examinations, and American literature on the other hand complained that this wasn't fully the case with the white population.

A (continued) This action started in 1936, was continued in 1937, and I then read - I could not hear anything further about it - the final end of that action because the War had started. All of these actions as that action in Detroit, as well as the little settlements in the form of little tubercular villages, do not solve the entire problem if it isn't done on a mass scale and there is no doubt about the fact that the tubercular problem has not been attacked properly in the world today. That is only one reason tuberculosis cannot be compared with any other contagious disease - diphtheria, cholera, typhoid. These epidemics have a shorter course which quickly get their victims. If that had been the case then we would have progressed much farther with the fight against the tuberculosis problem. The tragical thing in that problem is the nature of the disease itself, the slow tricky course. That is why, according to my knowledge, there is no where in the world a law which asks for the final isolation of tuberculosis sick and which safeguards that course. Such plans are being considered, however, during all congresses dealing with tuberculosis all over the world. As far as I know nobody has embarked on the final step and I think the reason is the slow tricky course of tuberculosis and that in spite of the fact that tuberculosis is regarded in its mortality second place of all serious diseases.

Q In addition to that letter of 18 December 1942 about which we are speaking now did you take any other steps in order to frustrate the plan by Graiser, namely to liquidate all tubercular Poles and in particular did you turn to Hitler or Himmler personally in that matter?

A No I didn't speak to Himmler at all throughout the entire War.

Q How about Hitler?

A I spoke to Himmler on various occasions but that was about one year later. At that time I had no official relationship to Himmler as yet and I didn't know him. Had this happened one year later when I already had official contact with Himmler and had I known him better I wouldn't have written a letter. Then I would have approached Himmler personally and I would have been able to frustrate the action without having to write a letter. Having written

this letter I received a report through Mr. Greiser very shortly thereafter that Himmler had withdrawn his order and that finished this affair for me. I was only informed to the effect that everything was handled in Warthe-Gau orderly as regards examination and list of Poles in Warthe-Gau.

Q To send you this report that this plan had been withdrawn on the basis of your suggestion?

A I heard that from Hohlfelder as well as Forwitschky.

Q These were the two gentlemen -----

A Well, Hohlfelder was the Commanding Officer of the X-Ray Battalion and Forwitschky was the business manager of the association for planning tubercular control.

Q Did you gain knowledge how it really came about that this plan was rejected and, in particular, do you know that Himmler had said that Hitler himself had to make a decision and do you know that Hitler himself accordingly decided that this plan be given up for the reasons which you, Dr. Blome, have stated in your letter to Greiser? Did you gain knowledge of that later?

A At that time I only learned from Professor Hohlfelder and Forwitschky that the reasons stated in my letter had moved Himmler to withdraw his order. As regards the letter of Himmler I only gained knowledge here in this courtroom because of the document and I am, therefore, very grateful to the Prosecution for not having kept this letter from me.

Q Witness, when you say that this plan of Greiser's had been frustrated because of you, I must remind you of what Prosecution has said here on the 9 December in this court room. The Prosecution said at that time "We shall bring evidence which will show that the program was being executed at the end of 1942 and the beginning of 1943." And by that the program of the liquidation of the tubercular Poles was meant. "Furthermore, that on the basis of the proposal by Greiser and Blome many Poles had been mercilessly exterminated and that, furthermore, others had been removed to remote camps where there were no possibilities of caring them, where there were no facilities provided for them, where thousands met their death." These were statements made by Prosecution. I must again ask you very definitely did you at any time later hear

that on the basis of those tuberculars were in effect exterminated?

A. No. The assertions of the Prosecution are not true. Within the framework of this tubercular action in the Warthe-Gau nothing happened to one Pole. On the contrary he was medically decently treated.

Q. Can you even maintain this your assertion when you remember that the co-defendant Brandt, Rudolf Brandt, has stated in one of his very numerous affidavits, namely the affidavit of the 24 October 1946, that and tried to incriminate you in this point. This is the affidavit of the defendant Rudolf Brandt which can be found in the Document Book of Prosecution 9 as Document 441, Exhibit 205. It is the last document of this volume. Here Brandt says and I want to put that to you and I quote: "At the end of 1942, and the beginning of 1943, Bralle carried out the extermination of the Jews in the Warthe-Gau and also the execution against the tubercular Poles was brought to an end simultaneously with the Jewish action. According to my memory as a result of the suggestions made by Hlasek and Gruber between eight to ten thousand Poles were exterminated." You remember that during an earlier session it had already been maintained that the defendant Rudolf Brandt had substituted eight to ten thousand Poles by the word "numerous Poles." What, Dr. Hlasek, do you have to say about this affidavit of Herr Dr. Rudolf Brandt?

A. I cannot be made responsible for the correctness of such an affidavit by Dr. Rudolf Brandt. I gained the conviction today that Rudolf Brandt has signed everything that was submitted to him by the Prosecution. I, therefore, cannot be made responsible for any incorrectness in his statement. I know of no case - I know of not even one killing and I am convinced that if the assertion of Rudolf Brandt, or the assertion of Prosecution, would be correct, namely that many Polish persons had been exterminated, then the Prosecution, just as in the case of the sulfonamide experiments, would have been able to get witnesses from Poland because I am sure it wouldn't be difficult to do that if thousands of Polish persons had been liquidated to get members of their families to testify here in this court room about their crimes.

Q Dr. Blome, it can be seen from the many documents which had been submitted that in the later years, especially in the year 1944, numerous persons had been exterminated in the concentration camps because they had lung diseases. Did you know anything about that up to the time of this trial and do you have any reason to believe today that those killings can be brought into connection with the plan of Greiser from that time?

A There is no indication for that. When at a later date as for instance in Hadamar, Polish tubercular patients were killed there is no indication that in any way can be connected with Warth-Gau. During the last year when I was internish in camp of Landsberg I found out for the first time that any killings of tubercular patients had taken place and I learned about the Berlin proceedings according to which so and so many tubercular patients had been killed. That is the only time I heard about these things and what I heard about here during the trial.

Part I

Q. Do you remember, Doctor, that in the authentic institution, Hadama, which was very busy, been speaking, it is only 30,000 inmates, for the year of 1941 to 1944, it was killed, but it is as it says "murder us like the Russians" for the beginning of June, 1944, until March 1945? That can be seen from the document which is the number 16, Volume 16, Page 52. The document has the number 1116, Exhibit 415. These "murder us Russians and Poles" were supposed to have been tuberculosis patients. And other, more than 400 tuberculosis Poles. If I understand you incorrectly or answer incorrectly, you have no individual name and that this letter is, I suppose, connected with the plan of Rosenberg for that time?

A. No, that is not the question.

Q. But Dr. Hagen told me that I should like to put a final question to you, Doctor, is it, yes, is connected with it. Do you know that in the third article which exists, it is that the doctor that he will contain of Poles? If you can acknowledge about such a plan in what it is you are saying?

A. That is a very interesting question, I shall want to answer it. I think, only, in a letter from Dr. Hagen, to the doctor, and Dr. Hagen (gentleman) from Party Chancellery of the... I can't tell you that exactly. Dr. Hagen said that the plan was to send the patients to the hospital, or rather were to be sent, if it is a situation in which the intelligence class. The purpose of this article was to show the which power / resistance for the future, but the plan was to send the patients to the hospital. I am not sure if I am right or not in the last several years. I believe my position toward it is critical, and as to it that is decided in that question went to the Chancellery of the Party Chancellery. I have detailed records of the... I think. In other matters I stated in my letter that it is a... it will be right for sequential to point to any one of the... Dr. Kaufman, using press and... purpose, and then simultaneously execute such plans myself. I think these plans of Dr. Kaufman - German press reports were concerned

Chart I

of the Polish population. To control the T.S. epidemic the authorities immediately began building 40 hospital offices with modern welfare centers, as well as sanatoriums. Isolation camps with approximately 2,500 beds for Germans in July (the latter under Polish medical direction with Polish doctors and Polish nursing staff.) These were quickly finished. These measures by the office of the Polish Government were supported by the superior Polish authority, that of the Polish Government of the Ministry of the Interior. Since, particularly with the increasing difficulties arising from the war, the above institutions were unable to handle the epidemic of the T.S. epidemic to a certain degree, but not to let the war only necessary sanitary measures remain effectively, all the medical officers of the 'orthodox' entirely continued to work. Their reports and those of departments of their prevailing army.

"The whole affair had an unexpected turn in the autumn of 1942 because the Goelster and the Reich Governor Greiser supposedly said that in case of necessity he would stop at nothing to check the tuberculosis epidemic in the Northland effectively in the interest of the entire population.

"My endeavors to get a clear and authentic statement from Goelster Greiser on this subject were bound to be unsuccessful, because between Greiser, who was decidedly hostile to civil servants, and myself, relations were definitely strained, for reasons which need not be discussed here. As, however, I could not leave Greiser's supposed statements at that, I thought it my duty to tell personally to the head of the Department of Health in the Reich Ministry of the Interior and Reich Health Leader, Dr. Conti, in Berlin, about this matter and the whole tuberculosis problem. At the end of October or the beginning of November 1942, I was received by Dr. Conti at his office as Reich Health Leader. I frankly informed Dr. Conti, referring to the state of health in the Northland, which was known to him from numerous reports, that I had heard rumors of the above-mentioned alleged statement by Goelster Greiser. Dr. Conti asked me in a way, but he admitted that certain plans for a radical solution of the tuberculosis problem of the Northland were under consideration. As I was unable to get a clear answer from Dr. Conti and could not be satisfied with such information, I immediately called on the Deputy Reich Health Leader Dr. Blome. I knew that he dealt with special tuberculosis questions in the Reich Health Leader's Office. From the Dr. Blome I learned a clearly negative attitude toward any possible solution contrary to human principles and medical ethics. He showed me the draft of a letter addressed to Greiser; I asked him for a few additional considerations.

"I discussed the formulation of the letter in detail from the point of view of convincing Greiser that an intensive continuation of the health and welfare measures so far taken and a further extension of the health program was necessary for the fight against tuberculosis and effectively against the acute danger. The suggestion for a large tuberculosis settlement was particularly discussed. This plan was based on earlier examples, and its final aim was the establishing of a widely spread, but nevertheless closed settlement for tuberculosis

patients and their families. In this settlement, all modern examination, treatment, isolation, and welfare facilities should be provided for the patients and members of their families who might be in danger. In this way it should be possible in a few decades to reduce tuberculosis cases to a minimum. The form of settlement for the entire world family was suggested, because the orderly treatment of tuberculosis and isolation take years and the separation from the family in sanatoria and long stay in isolation homes time and again lead to the greatest spiritual difficulties on the part of the patients and their families, and therefore to a delay in the cure. According to experience the danger for the family members is small, since the properly trained, hygienically living, medically attended and nursed patient does not represent any danger worth mentioning for his family. Dr. Blom and I having agreed on the tactics to be taken toward Graiser and on the contents of the said letter, Dr. Blom turned in my presence to dictate the draft of a new letter.

"After this conference with Dr. Blom I returned satisfied to Rosen, with the conviction that I had done the utmost in accord with my duty to keep on the only medically correct way for the fighting of tuberculosis in the Bartholomew. I considered essentially won the fight against tuberculosis in the Bartholomew with the letter of Dr. Blom to Graiser Graiser was successful. The regulation about tuberculosis relief having been effective for the whole Reich territory on 1 April 1943, a similar regulation for the protection against tuberculosis could be secured in the Bartholomew in favor of the Polish population. A central office for the fight against tuberculosis was established under the name of a specialist. This office gave the same treatment to the German and to the Polish cases. The preparation of further sanatorium beds, especially for the Polish sector, was secured. Especially important was the retention of exceptionally good retines also for isolated, so-called incurable cases of tuberculosis. This, too, was granted to the Polish as well as to the German patients. In spite of the difficulties arising from the war, which in the years 1943/44 were increasing from day to day, the proper treatment for each case was attempted. In this connection orders were issued, that in spite of regulations to the contrary regarding

patients and their families. In this settlement, all modern examination, treatment, isolation, and welfare facilities should be provided for the patients and members of their families who might be in danger. In this way it should be possible in a few words to reduce the tuberculosis cases to a minimum. The form of settlement for the endangered family was suggested, because the ordinary treatment of tuberculosis and isolation takes years and the separation from the family in sanatoria was above all in fact then a hard time and again led to the greatest spiritual difficulties on the part of the patients and their families, and therefore to a delay in the cure. According to experience the danger for the family members is small, since the family is trained, hygienically living, medically attended and nursed. What does not represent any danger with continuing for his family. Dr. Jäger and I having read in the notice to be taken toward Dr. Jäger and in the contents of the said letter, Dr. Jäger then in my presence is dictated the draft of a new letter.

After this conference with Dr. Stone I returned satisfied to reason, with the conviction that I had done the utmost in accord with my duty to keep on the only morally correct way for the fighting of tuberculosis in the Farther East. I succeeded essentially in the development in the fight against tuberculosis in the Farther East in the letter of Dr. Stone to G. Walter Graham was successful. The result was that tuberculosis had been effectively for the world which a victory in April 1940, a similar regulation for the infection against tuberculosis had been secured in the Farther East in favor of the British position. A control system for the fight against tuberculosis was established on the basis of the British list. This official was given treatment to the British position, with which the preparation of further standards was held, available for the British sector, was secured. The following is a list of the regulation of supplementary regulations also for the British, so-called incurable cases of tuberculosis. This, too, was granted to the British, as well as to the German position. In spite of the difficulties of the war, which in the years 1940/41 were extremely heavy, by the British, the same treatment for incurable tuberculosis. In this connection there must be given, that in its prohibitions to the contrary regarding

the employment of Polish personnel in public offices, a tuberculosis welfare system with Polish doctors and nurses should be established for the Polish population at the Health Office.

"During my period in office as now in Medical Officer in Gosen, until January 1945, no tuberculosis patients were 'liquidated' in the Northland as far as I know. I never received an order for such a measure, such loss from him or about either directly or indirectly. On the contrary, the office always tried to give all tuberculosis patients proper treatment. Only in the summer of 1946, during my interval, the German Government is alleged to have been a concrete order from Himmler for the 'liquidation' of incurable Polish tuberculosis patients".

Then the signature of Dr. Gunkelmann and then the certification of this signature in the proper manner.

Q. Witness, in connection with this letter I must ask you, is this letter in the draft of which Dr. Gunkelmann participated and which he mentions on a few occasions-- is it the same letter which we dealt with time and again, dated November 18, 1942?

A. Yes, that is the same letter and I solemnly declare that at no time were there any preparations for the liquidation of Polish tuberculosis patients.

Q. That Dr. Gunkelmann's answer, too, with that I leave this chapter over to another chapter, I demand.

THE COURT: I request that you, Dr. Gunkelmann, give me an exhibit number and offer this last affidavit into evidence. You have not done that as yet.

DR. GUNKELMANN: Thank you. This affidavit will be received by Dr. Gunkelmann will receive the exhibit number 8 -- please Dr. S.

THE COURT: Counsel at the bar, when the exhibit was first offered, it is necessary to Defendant Blume's Exhibit 8.

A. This is the Tribunal will receive until 9:30 o'clock tomorrow morning.

(The Tribunal adjourned until 12 noon 1947, at 9:30 hours.)

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 18 March 1947, 0930, Justice Beale presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal I. Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in court with the exception of the defendant Oberhuesinger who is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court save the defendant Oberhuesinger who is in the hospital and has been excused on account of her illness.

Counsel may proceed.

KURT BLOME - Resumed

DIRECT EXAMINATION (Continued)

BY MR. SAUTER (Counsel for the defendant Blome):

Q. Witness, you remember that you are under oath?

A. Yes.

Q. Euthanasia - did you have anything to do with it?

A. No.

Q. Did you have any close information about this matter at the time, officially or privately?

A. No. Only about 1941 did I hear rumors that insane persons were being killed in insane asylums. I did not learn anything definite about

Q. Witness, you recall the chart which was on the wall behind me some time ago? This chart was drawn up on information given by the defendant Brack. On this chart there was a square with the official position of the Reichs Physicians Leader Dr. Conti. You recall that at the right,

next to this square for Dr. Conti, there was a small square with your name. This gave the impression that you were connected with the organization of euthanasia, that you had some official authority and duties. Will you please comment on this, whether this chart is correct or not.

A. No, the chart is not correct. Dr. Conti was connected with the euthanasia action only in his capacity as State Secretary in the Reich Ministry of the Interior. In this capacity I was not his deputy, however. As State Secretary in the Reich Ministry of the Interior Dr. Conti had a different deputy, that was Ministerial Dirigent Dr. Linden, who is therefore listed under the name of Dr. Conti on the chart, which Herr Brack has supplied, as number 233, Exhibit 331.

Q. Doctor, you have already said that in this function you were not Dr. Conti's deputy. Now, I would like to know: Not only Dr. Conti participated in this euthanasia action but also a number of doctors, primarily, government physicians and alienists. These doctors connected with euthanasia - were they under you as Deputy President of the Reich Chamber of Physicians and as Reich Leader of Physicians? Did you have any supervisory authority over these doctors - disciplinary authority and so forth?

A. I did not have any right of supervision or any disciplinary authority over these doctors. The execution of the program was in the hands of the government physicians or the doctors of the insane asylums.

Q. And under whose authority were these doctors?

A. They were under the Reich Ministry of the Interior.

Q. With which you had nothing to do?

A. With which I had nothing to do.

Q. Doctor, you were also Deputy Chief of the Main Office for Public Health in the NSDAP, that is, you held a definite Party office position, and in this functioned the title Deputy Reich Health Leader. Did this Main Office for Public Health, this Party office, have anything to do with the euthanasia action?

A. First, I should like to correct something you said. You said

I was Deputy Reich Health Leader in this capacity. I was forbidden to use this title. I was merely called Deputy Chief of the Main Office. Now, as for the question itself, the main office for Public Health of the Reich did not have any part in the euthanasia action.

Q. Witness, in connection with this euthanasia matter did letters with complaints or inquiries and so forth come to the Reich Chamber of Physicians, of which you were in charge, and, if so, what did you do in response to these letters?

A. Any official letters, orders, instructions, statements, and so forth, concerning the euthanasia action did not come to the Reich Chamber of Physicians or to the Main Office for Public Health; however, the Reich Chamber of Physicians or the Main Office for Public Health received half a dozen or a dozen letters from the public in 1940 and '41.

Q. And what was done about these letters?

A. I took notice of these letters and according to instructions from Dr. Conti sent them to the Chancellery of the Fuehrer.

Q. And why did you send them to the Chancellery of the Fuehrer? Why did you send them to that office?

A. Because upon my complaint, when I asked Conti about this action he refused to give me any information, and merely said that this was a direct assignment from Hitler to Buehler and Professor Brandt. Dr. Conti said that any letters coming to the Reich Chamber of Physicians or to the main office should be sent on to the Chancellery of the Fuehrer.

Q. What you just said, Dr. Biese, leads me to think that this private inquiry and complaints from the population occasioned you, not officially but as a private citizen, to speak to Dr. Conti about the matter. Is it so that on this occasion you asked Dr. Conti whether he knew that the rumors current among the population were true, and that on this occasion you said to Dr. Conti, "If these rumors were true, I would say something against it." Did you not say that to Dr. Conti?

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Professor Klare, the first suitable person to obtain information from the
interview, and Dr. Klare is actually right, how can I speak I start to
talk to us when I have mentioned, on he sent me copies of these letters.
Dr. Klare, however, did not have any success with these letters. Only when
Dr. Klare did I learn anything definite about the euthanasia action, etc.

Q. I have been said, I went to see the Reich physicians leader -- I beg
your pardon that is the wrong term in this case -- I went to see State Secre-
tary Dr. Conti. I have already said that this step was unsuccessful.

Q. Dr. Gross, in the question of euthanasia, did you have this
same basic attitude as Professor Klare?

A. On the question of euthanasia itself I had a different attitude
than Dr. Klare. Dr. Klare was against euthanasia in any form. But, as
for this euthanasia action, I regarded it as necessary. Dr. Klare and I, at least
from the personal point of view, considered this action illegal, especially
because no law had been issued in public. I was one of the only ones
who had a basis for the whole action; and I believe that it was Dr. Klare who
pointed out that in the procedure there was fraud since
a false case of death was given in the public records.

Q. Now, I say ask the court to let me submit an affidavit from
Dr. Klare in this case. It is in the Document book Klare, page 3,
Document No. 2, and I shall call it Exhibit No. 9. And then in the Document
in the same Document book, page 9, Document No. 2-4, an extract from the
"Springer Illustrierte Nachrichten" of 21 November 1936, which I shall give
this document as Exhibit No. 10. The affidavit of Professor Klare, Document
No. 2, Exhibit No. 9, is certified according to the revelations, and Professor
Klare says on a hearing about euthanasia, as follows: "I, the undersigned:

"I, (Professor Klare) first learned of euthanasia (killing of persons
suffering from incurable diseases) from my friend, Dr. Gross, who was a friend of
mine. I therefore collected evidence on this subject from the press and
in my incompensable time -- I have collected the same material from
the press --

I told the Deputy Physicians' Leader Dr. Blome about my objections.

"It is therefore true that during my stay in Berlin I repeatedly discussed the question of euthanasia with Dr. Blome.

"On the occasion of these discussions Dr. Blome made remarks to the effect that, though euthanasia should not be principally rejected, an irrefragable legal basis should be created for it, and that euthanasia should never be applied in the form of a secret proceeding.

"On the occasion of such a conversation, Dr. Blome told me that he had discussed this problem with Reich Physicians' Leader Dr. Conti, and that Dr. Conti had explained to him that the Chamber of Physicians and the Office of the Physicians' Leader had nothing to do with the matter, that, as far as he (Dr. Conti) knew, it was a direct order from Hitler to Reichsleiter Buehler and the defendant Dr. Brandt. Any interference of the Chamber of Physicians and the Physicians' Leader in that matter was impossible he said, and, besides, would be entirely useless.

"I told Dr. Blome of my intention to apply to leading personalities in order to achieve a change or discontinuation of euthanasia. Thus, I tried to get into touch with Dr. Brandt and the Propaganda Ministry."

I may remark this, Dr. Brandt obviously is Karl Brandt, not the defendant Rudolf Brandt. I continue.

"On the occasion of his visit to Bethel Dr. Brandt intended to have a detailed discussion with me. For reasons unknown to me, however, this visit did not take place. This meant that my attempt to get into direct contact with Hitler via Dr. Brandt did not succeed. My correspondence with the Propaganda Ministry was forwarded to Reichsleiter Dr. Bormann. Without being summoned in order to explain my point of view personally, as I had stated, I merely received - indirectly via the Reich Health Leader Dr. Goebbels. My last attempt, a long oral discussion in order to induce Dr. Conti to intervene, was likewise without success. As far as I remember, I sent my correspondence in this matter to Dr. Blome for his information or talked with him about my vain endeavors.

"It is true the order of Reich Physicians' Leader Dr. Conti not to concern himself further with the matter, made it entirely impossible for Dr. Blome to take effective steps in the question of euthanasia. Dr. Kurt Klare."

And then follows the certification.

The next Document, Exhibit 10, I shall not read. I as the Tribunal to take judicial notice of it. I have submitted this extract only in order to show you that this Professor Dr. Klare as early as 1936 spoke in exactly the same way on the euthanasia problem as he felt during the War, according to the affidavit which has been read.

Q Witness, Dr. Blome, did you learn at that time or later, that the point of view which Dr. Klare took, viz, that there should at least be a legally published law, was shared by many other doctors, and that many doctors had the point of view that if such a law were issued then one could not have any serious objection to this law?

A. Yes, I know that, and I frequently discussed this matter with Professor Klare. Klare, as well as I, held the point of view that if this had been made public at that time, the German people would have accepted themselves to it just as they previously had submitted to the sterilization law in 1933 and 1934. That is still my conviction today.

Q. Dr. Blum, we know today that your co-defendants Professors Brandt and Brack dealt with the euthanasia question; did you discuss the euthanasia questions with such persons as were officially connected with this problem; in what way and with what success?

A. One day, possibly in 1941, as far as I recall, a few months before the euthanasia action was stopped, Dr. Conti told me that he had arranged a conference in which with Professor Brandt in the presence of the Leaders of the Chamber of Physicians, where Dr. Conti was to explain the euthanasia action. The meeting took place then in the Jewish Artsthaus. As far as I recall, Brandt was not present, but the defendant, Victor Brack was there as Reichsleiter in the Chancellery of the Fuehrer, of which Reichsleiter Baurer was in charge. As far as I recall, Brack said that there was a Hitler assignment in respect to the euthanasia action, and then Brack said all possible safeguards had been taken whereby only those cases were eliminated, which were really very serious and were proven to be incurable. As far as I recall, Brack pointed out that the church and a part of the population were opposed to this action, but that, on the other hand, large groups of the population did nevertheless approve the action. I believe that on this occasion, Dr. Brack also said that the action was discussed with Ministerialrat Dr. Linden in the Reichs Ministry of the Interior. That Dr. Linden was the representative of the State Secretary in the Reichs Ministry of the Interior in the euthanasia action, Brack also showed a law, or a draft of a law, which had not been published and which was to regulate euthanasia was to be handled after the law. I believe that this was only a draft and not a finished law.

After this meeting in which, I again suggested to Dr. Conti that one of the Reichs Chamber of Physicians should try to intervene; but Conti again said that so far he had not participated, that he had not even called upon for participation, and it was completely needless for me to try to intervene.

Q. Dr. Blum, this discussion you had in 1941 with Cruck in connection with the Aerztehaus, I assume is identical with the discussion which you mention in your affidavit of 25 October 1946; is that true?

A. Yes.

Q. On October 25, 1946, Document 471, exhibit 238, in Document Book 11, you described it at that time just as you have described it today.

Now, witness, did you learn whether in this euthanasia action foreign workers or prisoners of war, etc., were included?

A. I can give no information about that, I did not learn anything about it in the following time. The foreign workers brought into Germany were supposed to be healthy, that is capable of working. As far as I know, there were frequent medical examinations of the foreign workers, sometimes already when they were recruited in the occupied countries. If a foreign worker was discovered to be incapable of working or had an infectious disease, he was rejected. If a foreign worker, during his stay in Germany, became insane I believe that he had to be sent to a mental institution; but I never learned anything about this, a question of legal and if labor were not the business of the Reichs Chamber of Physicians.

Q. Again, witness, Dr. Conti, the Reichs Hygiene leader, repeatedly on several occasions said to you that this entire matter was not the concern of the medical profession, that it did not have anything to do with this action, and that he said clearly that you, as head of the Reichs Chamber of Physicians, should keep your hands off it; did you subsequently learn that other doctors in official positions contacted Dr. Conti about this euthanasia action, and that

Drugs took the same attitude to those of doctors, that I always said that has nothing to do with us, we are not competent, we cannot intervene, did you know of such cases?

A. While I was in the camp at Darmstadt in 1946, I heard from a radio broadcast about the trial before the International Military Tribunal where an affidavit of Dr. Sprauer was read, who as far as I recall I believe that he was the head medical officer of Badon. In this affidavit, Dr. Sprauer described how he had persuaded Dr. Conti to object and how Dr. Conti said that this action did not concern the doctors. I believe that this affidavit was submitted here as well in some Document books; I believe that must be the same thing.

Q. Now, Doctor, did you learn later that for what reasons this euthanasia action was stopped; when did you learn about it?

A. I believe I learned about it at the end of 1941 and it was stopped because of the unrest among the population on this account and because of repeated protests from Catholic and Protestant bishops and newspaper articles in foreign newspapers. I did not see any of these articles at the time, however, I learned this from someone in the Party Chancellery.

Q. Dr. Sprauer, we have heard here that after the euthanasia action was stopped, the so-called Reich Working Committee (Reichsarbeitsgemeinschaft) continued to exist. This was the organization in which several cases of so-called "life unworthy of living" were exterminated; did you hear about this Reich Working Committee earlier before this trial or did you learn of it now during the trial?

A. I learned of something like that from a private inquiry, addressed to me. It was a fairly high official who on behalf of an acquaintance of his, who had an idiotic disabled child, inquired me. I then asked Dr. Conti whether he knew anything about this, he said to me at that time that it must be that there was some such thing, but that related only to small children in an incurable condition. Dr. Conti could not, or would not, tell me anything more at the time.

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sent the person who had inquired of me to the Chancellery of the
Fuehrer. Dr. Conti had told me earlier that all inquiries concerning
the Euthanasia program should be passed on to the Chancellery of the
Fuehrer.

"But also in cases of quite another nature, where it is a question of the extermination of inferior life, we wondered whether the physician should not be given the legal possibility", I emphasize "legal possibility", to end a unhappy life prematurely. We were thinking of seriously suffering, incurably sick persons, who, until their death, had to expect only ever increasing physical suffering and who themselves asked the physician to free them from their suffering.

"I remember some cases of incurable suffering in my practice, in which the patients implored me to put an end to their lives. 'Doctor! then and now, please give me an injection so that I don't wake up any more. I can't stand it any longer.' Cases in which the daughter drew aside and also asked: 'Please help my father, fulfill his request'. And he then ends in quietude with the words: 'I could only say: According to the law the physician is forbidden to do that.'"

"But yet there are cases in which the physician made his decision of responsibility on a higher law of reasons of profound humanity."

"This is an extract from the book by the Defendant, which was first published in the year 1941. I lay special emphasis on this date, because at that time the euthanasia action of Hitler was still in operation and the defendant, Blobe, was diametrically opposed to this action of Hitler.

"Hence, as for the question of euthanasia, to conclude this chapter I should merely like to say you about a document which was submitted here on the 5th of February. It is the Prosecution document 119, exhibit 115. It is a Fuhrer order of February — just a minute — a Fuhrer order of January, 1942, I believe, December, 1942, published in January, 1943, according to which in case the obligation of silence of the doctor is removed and the doctor has the duty to report. This Fuhrer order of the 3rd December, 1942, which is document, 119, did you know about it at the time. Did it have any connection with the euthanasia action? What do you have to say about it?"

"This Fuhrer order has no connection with the euthanasia action. It was issued in December 1942 when the action had long been stopped. The reason for this Fuhrer order was that leading personalities in public life

including a Gauleiter and a General, had fallen ill of paralysis. These cases had unfortunate consequences. They were reported to the Fuehrer and Hitler felt it necessary to issue an order that all doctors, lay holders, etc., had to report various illnesses of leading personalities in the State to the Party, the Wehrmacht and Ministry, disregarding the obligation of silence. They had to report it to Hitler through Professor Bredt. This order had nothing to do with euthanasia. One must say objectively that it had a certain justification.

Q. Dr. Blome, in conclusion, will you please say a few words about the question of euthanasia? Was it clear to you during the course of these long proceedings why you were indicted for euthanasia?

A. No.

Q. Now, I go on to another Chapter, Professor Blome, which will unfortunately be complicated, that is biological warfare, and the problems connected with it. Dr. Blome, what does biological warfare mean?

A. This means the use of small organisms existing in nature which harm or destroy human beings, animals and plants, in human beings and animals primarily bacteria and viruses which cause disease and epidemics, and in the case of plants, insect pests.

Q. Dr. Blome, from whom did you receive an assignment to prepare for biological warfare, and when was that?

A. Unless I misunderstood you, you said, an assignment to prepare for biological warfare. I never received any such assignment.

Q. It is alleged that you did. What assignment did you receive?

A. I received an assignment for research, for counter measures against biological warfare.

Q. An assignment for counter measures against biological warfare?

A. An assignment for defense measures.

Q. When was that?

A. That was about the beginning of 1942 in a discussion of a meeting

of the Research Council in Berlin in which, I believe, first Professor

Schön in this as I was in charge of research for measures against biological warfare. According to his information there were reports that the enemy was working in this field. Therefore, a coordination of research in the three sectors was necessary. These sectors are human biology, which is in the hands of the Army. This matter had so far been dealt with separately by three agencies: the Army Medical Inspectorate, the Army Veterinary Inspectorate, and finally the Chief of Military Science in the OKW. One of the so-called Wehrmacht agencies wanted to subordinate itself to the others. On the other hand, a civilian agency was to be given the supreme authority. One of the leading figures of the Reich Physicians' League, Dr. Schöen, for this, but for reasons which I do not know was not wanted, and, therefore, the choice had fallen on me. This whole matter was to be put into civilian hands because there was a great danger for the whole civilian population. In any case, I declared myself willing to take over this assignment.

1. That was at the beginning of 1942, you said?
2. About the beginning of 1942. I cannot say exactly when.
3. And when did you get the assignment and from whom?

Q. Sometime after the first discussion with Professor Schumann there was a talk with Field Marshal Keitel at his office in Berlin. Keitel told me that he was now giving me this assignment. It was to get assignment under my cancer research which already existed. Keitel emphasized that the Fuehrer, that is Adolf Hitler, had strictly forbidden any provisions for the use of biological warfare. Keitel also explained to me that he himself did not believe that biological warfare would be used at all in this war. He did not believe that there would be any gas warfare but Keitel emphasized that by way of precaution everything had to be investigated in case defense measures should become necessary. There were no definite limitations or authority from Keitel to me. Consequently, on the basis of this talk with Keitel I could not yet begin my work.

Professor, in the talk with Schuman, whom you just mentioned, and in the talk with Keitel, which you have just described, was it said in any way that there might possibly be an offensive on our part, for example, against Russia or some other enemy state, and under what conditions?

A. Only defense measures were discussed in the event that the enemy should begin biological warfare.

Q. Only defensive measures?

A. Yes, only defensive measures.

Q. In this connection, Professor Bloch, I should like to point out to you a document submitted by the Prosecution. This is Document 130, Exhibit 325. I do not believe that it is in any Document Book. It was submitted separately when dealing with biological warfare on the 14th of January. This document 130, Exhibit 325, is a file note which is signed by Professor Dr. Kliewe made in September 1943. Siebenlist Professor Dr. Kliewe, I believe you have heard the name mentioned here frequently. This is a report which Professor Kliewe made in the presence of the Field Marshal Keitel, whom you have just mentioned, to the Chief of

Q. Dr. Schumann is supposed to have said, I quote: "We must not sit idly by and watch but we must prepare for the case use of biological

warfare. America must be attacked with epidemics for human beings and animals and insect pests and the Fuehrer must be won over to this plan." That is the statement of Professor Schumann and Professor Kleeve who drew up this file note writes, "It has less to do with the matter but it apparently rejects this idea." I should like to ask you, was this not to be preparation for an offensive biological warfare? I believe you were not present at this report and I think this is the only document, Professor, which has been submitted with any such contents but perhaps you will comment on this one document.

A As for the meeting with the Chief of Office ANK, I believe that is the abbreviation for General Ordnance Office. I learned of it only here. That Schumann made such a statement I consider quite possible. I heard Schumann say on various occasions that everything was sleeping, that the dangers threatening Germany were not recognized and everybody was fighting about jurisdiction. One had to exaggerate to wake people up. Everybody thought the war was almost over. In regard to America he said to me when we happened to be together, that one would have to attack America if there should be a biological warfare. When I asked how he thought that could be done he said he did not see any technical possibility but one should examine the general opportunities for the attack, one should have to know that in order to find defense methods. Schumann did not have any special knowledge of biological warfare. Briefly the following about the personality of Schumann: He was generally considered fantastic. He was considered a "busybody" - a person who wants to have his finger in everything. It was known that he did not himself believe everything that he said. His field of work was physics but he dealt primarily with music and composed a great deal. To make it brief, he was unreliable and not to be taken seriously, and an English major in an interrogation at Karlsruhe expressed the same opinion.

I Dr. Bloch, this file note of Professor Kleeve is of September 1943. You already had a secret assignment on biological warfare at that time and, I believe, you had received your appointment which was issued in May 1943.

A Yes, that must have been May 1943.

Q But, nevertheless this talk to which the file note referred, you did not hear about it at the time, you were not called upon, you were not informed?

A No, I heard of it here.

Q Professor Blome, in this same document 1308, Exhibit 325, is a report of a meeting of the Working Committee with the name Blitzableiter (Lightening Rod Committee). This meeting was on the 24th of September 1943. You yourself are supposed to have been present at this meeting and the record said, "Further experiments to be conducted in the field of human bacteriology." And then it said, "Since it is unknown whether and under what conditions aerosols which are breathed in or drops which are sprayed on certain pathogenic germs" I shall repeat, "sprayed drops of certain pathogenic germs create diseases in human beings, Professor Dr. Blome suggested experiments on human beings." Now, with this you are connected with human experiments and I ask you what kind of experiments were they which you are said to have suggested at that time? Were they experiments involving danger to life and health of the subjects, severe pain, etc?

A From examination of Frenchmen or documents found after the invasion in the West I knew that the French were dealing with the question of receptivity of human beings for bacteria which were sprayed. They thought that contagion was possible only if poison gases were also inhaled. In July 1945 the English Major in Heidelberg, who was an expert in the problem of bacteriological warfare, explained the same thing. I wanted to know whether this assumption was true and that was why I made the suggestion. It was quite general - I did not suggest any specific bacteria. There would have had to be a definite discussion, for example, whether influenza bacilli or pneumococci, or other bacteria should be chosen. I would have liked to know whether contagion by spraying was possible at all. If experiments had been done about it would have cleared up the question how far bacteria is possible. I was thinking of experiments with volun-

cc.

Q. You were thinking of experiments with volunteers, you say? Is it true that you made the suggestion that experiments should be conducted in the Military Medical Academy in Berlin?

A. Yes, I suggested medical students, medical students of the Volkrecht, so-called medical officer candidates, but Professor Kliava refused experiments in the Military Medical Academy because there was no clinical section there where the course of the experiments could have been observed. Experiments on soldiers were prohibited in principle because soldiers were not to be taken out of service for such purposes. Experiments on civilians could not be conducted because of the matter of secrecy. Experiments on military doctors and medical students seemed impracticable because these persons would not have been available long enough, as long as necessary for the experiments. Thus it came about that no such experiments were conducted at all.

Q. In the same document, the file note of the 26th of September, 1943, Document 1308, it says on the second page that, as we have already said, you suggested experiments on human beings to be carried out in the laboratory of the "MA". That is apparently the abbreviation for Military Medical Academy. This was refused, "it was still to be discussed, if Professor Blome visited the MA laboratories." That is apparently the laboratories of Professor Kliava. What can you say about that and what happened then? You said no experiments were conducted?

A. No, no experiments were conducted. I was present at this meeting. That was about the experiment about breathing in bacterial. This was a suggestion of mine. No conclusion was reached and I never saw Kliava's laboratories.

Q. The next document, Dr. Blome, submitted by the prosecution had the number 1309, Exhibit E26. It is not in a document book. It was submitted on the 10th of January. In this Document 1309, which was sent out to you, there is again a file note of Professor Kliava of the 23rd of February, 1944. It refers to a discussion with you on the same day, 23rd of February, 1944, and it says that "at Boven a new institute is
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to built, under Dr. Blome, at which biological warfare agents are to be studied and tested." Kliove then goes on to say, "The Wehrmacht, at the request of Field Marshal Keitel, is not to have a responsible part in these experiments since experiments with human beings would be conducted." That is the quotation. You recall that, in connection with the charge against a different defendant, this document has already been discussed. Since this document also refers to you, perhaps you will also comment on it and also refer to this where the document goes on to say, "Above all, an examination of our vaccines would be necessary, especially of the plague vaccine. Experiments on human beings would have to be conducted. There are quite wrong opinions prevalent about the effect and maximum doses of many poisons which can also be removed only through experiments on human beings. As soon as Professor Blome reports to the Reich Marshal Goering and Generalarzt Professor Brandt, he will so report." That is the end of the quotation, and I can also put this to you at the same time. It says that you said that in European Turkey four thousand cases of plague had occurred. Professor, considering what I have just put to you, will you please comment on this file note of Professor Kliove which is very important for you?

A. This part of the file note of Professor Kliove is correct. Himmler did give me the assignment to test the plague vaccine and to establish, by means of experiments on human beings, whether the plague vaccine which we had was effective or not. That was doubted by many people. Therefore, Himmler gave me the assignment to discover and produce an effective plague vaccine in case the enemy should work with plague and the necessity should arise to take corresponding measures in order to protect our population against the plague. A certain SS Sturmbannfuhrer Karl Gross had been sent to Madagascar by Himmler where he was to build my institute to do this work on plague for me, but I have reason to think that the thing was too dangerous for him. In the beginning I considered the idea of plague experiments seriously. Of course, for defensive purposes, but the more I dealt with the problem the clearer it became to me that we had to experi-

enced doctors and nursing personnel and that we hardly could find experimental subjects for plague experiments. If we had wanted to stick with plague, the problem could have been cleared up in a few months, but that was quite out of the question from the very beginning. I received Hinder's assignment in August 1943 but in January 1945 the institute was not finished and consequently the work could not be begun for that reason alone. I did not even have an incubator there. I had only one plague culture which we received only shortly before we left Nesselstedt in January 1945. In September 1944 I discussed with Hinder the possibility of evacuating the Posen Institute. He agreed to a new construction enterprise in Nesselstedt. Until the Americans arrived, however, only the foundation was built. I did not have the intention of doing anything and nothing was done. As for my suggestions to test the effect of poison or the maximum doses, nothing was done. It was not in my sphere of duties. It was merely a suggestion on my part. I made the suggestion because Klose, when he visited me, spoke about the news of sabotage with poison and bacteria in the East. Since poisoning is frequently treated with so-called anti-toxins and the official maximum doses are very low, I considered it desirable to ascertain how high one can go in the doses of anti-toxins.

THE PRESIDENT: Counsel, the Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

Q Witness, I would like to return to the last Document Book 1, Document No. 1308, a file note, and it reads there in the first sentence, and I quote: "At the beginning of September 1943 it was asked what protective measures were being taken against the use of bacteriological means. Office Chief A.A. should be informed of this." You thought previously that A.A. was the abbreviation for Allgemeines Befehl Amt, General Ordinance Office. I am now told that that is not so. It is Allgemeines Befehl Amt, General Befehl Office. I should like to correct that for the record so that there is no confusion here. I now go to the document last mentioned here, Document No. 1309, Exhibit 326, file note from Kliege on the 23rd of January 1944, about which you have already testified in part. Now, in this document there is mention of human experiments. You have already made statements on this subject. And then it reads there are mentioned experiments human beings that you are supposed to have mentioned, you were speaking at that time about experiments on human beings to test vaccines, particularly vaccines against plague, that had to be carried out. What have you to say about this?

A Yes, I spoke specifically only on vaccines against plague. I did not mention any other vaccines, nor did that interest me greatly at the time. It was my thought at that time that such experiments should be carried out at Neuengamme near Posen on voluntary subjects. After the necessary results had been achieved on experiments on animals, it would have been decided whether human being experiments were necessary at all. In the case of vaccines against the plague, the situation was that such vaccines had not been manufactured in Germany for decades, with the exception of small quantities on the part of the Behring works in Marburg. The effectiveness of this war vaccine was doubted by the specialists; it was known that in practice, vaccines against the plague aroused very serious reactions, abscesses, internal collapse and they were frequently poisonous. Consequently, I thought it was necessary to make clear just what vaccines could be used in Germany should it become necessary. For decades this field had been worked on only

foreign countries. The few institutes in Germany that were justified at all in working on this matter had only made use of this possibility or opportunity to the extent that they kept special laboratories ready to carry out the necessary diagnostic examinations should they become necessary. And special precautions enforced by the State, even the question discussed in foreign countries, whether the cultures for vaccines should be bred at 37 or 22 centigrade, could be answered by no one in Germany from his own experience. Since the discovery of vaccines against the plague by Kolla and Otto in 1907, only foreign countries had worked on the production of such vaccines and had developed such vaccines further.

That human being experiments are inevitable in this connection is proven by Strong's paper, Strong comes from Manila, works by Otten in the Netherlands East Indies and papers by a Frenchman in Madagascar; also recently works by Karl F. Haler in San Francisco, who carried out experiments on prisoners who had volunteered.

Q In connection with this meeting, which I brought up, you spoke of experiments on human beings, which were to test our vaccines, particularly our plague vaccines; did you also at that time say anything about on what persons and under what conditions and with what experimental aim such experiments were to be carried out, and did you reflect at that time on the question whether such experiments at a later date might be objected to?

A I did not have any reason to think about that or that the experiments at a later date should be objected to, because I would have only made such experiments as were permitted by scientific standards. But, as I said before, this work was never carried out, and our knowledge of plague vaccines remained at the same inaccurate level it occupied during the war.

Q Mr. President, in this rather interesting scientific articles have been made available to me, which appeared in an American Medical periodic which carries the name "Philippine Journal." These excerpts from this journal are at the present being micrographed, they are English documents in the English language and these excerpts from the "Philippine Journal" I will have in evidence at a later date as soon as I receive them from the Micrographist.

important. This is scientific material from English and American sources to check on what the defendant Dr. Bloch has just testified; that is to say I shall submit these documents later.

Witness, the Blitzableiter lightning conductor committee which has been mentioned here; were you a member?

Q Was Professor Klieve a member?

A Yes.

Q Ministerial Dirigent Schumann was he a member or not?

A I never saw him there, but one of his co-workers; I don't believe that he belonged to it.

Q And who in addition belonged to the Blitzableiter committee?

A Colonel Hirsch as chairman, Ministerialrat Dr. Standin, and two others from the Army Veterinary Inspection, one by the name of Dr. Hare, a lieutenant colonel from the Counter Intelligence Service of the Wehrmacht, Professor Ross, and I believe that is all.

Q Dr. Bloch, you said that Professor Schumann, who has frequently been mentioned here, informed you in a conversation that there was news in the field of biological warfare, on the enemy's side, supposedly on the Russian side, energetic work was being carried out; can you tell us anything about this information that Professor Schumann gave you at that time; can you tell me whether these reports were checked on, and whether later on they proved to be true?

A These reports referred not only to Russia, but to all of our enemies including America and the other countries. The reports were given to me by the so-called Abwehr, a counter intelligence and espionage organization, until 1943 was part of the Wehrmacht under the later executed Admiral Canaris. It later was subordinated to Himmler. In other words, this was official information which according to my experience was usually correct.

Q Is it true that particularly Professor Klieve, who was a member of the Blitzableiter committee, constantly delivered reports on the enemy's activities in these fields, and that in these reports there was always a

reported mention that our enemies in the East were carrying out poisoning experiments and infection experiments of infectious diseases?

A That is correct.

Q Can you tell us the details about these reports?

A Such experiments in poisoning and from infections with a dangerous bacilli occurred in the previously Polish territory very often. A typical case was, for instance, that occurred in Poznan, where Polish waiters were ordered to give leading personages through their food typhoid bacilli and they did so. They used for this fountain pens filled with typhoid bacilli and while they brought the food from the kitchen to the dining room, they squirted this bacilli into the food. Many other cases of poisoning occur and I mention this only as an example.

In this connection, I might mention a lecture that Professor Orth delivered at the fourth meeting of the Consulting Physicians. I believe it is your intention Mr. Justice to offer this material as a document.

Q Mr. President, this lecture by Professor Orth I cannot submit to you since it has not been returned yet from the Translating Branch. I shall submit it to you later in Supplementary Volume 2, as Document No. 15. I cannot read the excerpt today because, as I said, the translation has not come back to me.

A May I continue?

Q I don't understand.

A May I continue?

Q Yes.

A For this reason I wanted to have the maximum doses determined, and in this connection I should like to say that the reports I received about the enemy activities in the wide fields of bacteriology and toxicology were received from the aforementioned Professor Kliene and the aforementioned Lt. Colonel in the Blitzableiter Committee.

Q Dr. Blome, a correction in connection with the plague vaccines vaccines that were to be tested. You spoke of living vaccines, is that right?

A Yes.

Q The word "living" did not come through in the interpretation. That should be added to the record, "living vaccines."

Dr. Blome, when one reads these documents which refer to biological warfare which were submitted by the Prosecution, one gains the impression that in this field preparation to defend against bacteriological warfare went on very slowly. It strikes me that by the time Keitel gave you your assignment in the beginning of 1942 and your official appointment by Goering in May of 1943, there is a lapse of time, almost a year and a quarter, and from the file note of Kliene on the 23 February 1944 which we heard about before, document 1309, it can be seen that until the 23rd February 1944 not even an answer had been received to the proposal which the Chief of that section made on 14th of April, that is almost three quarters of a year before then, and again on 19 October 1943, to the reference office. Now do you explain the slowness that these offices were in preparing to defend against bacteriological warfare?

A Undoubtedly, this was in connection with the well-known Fuhrer order, according to which all preparations for offensive bacteriological warfare were forbidden. If this had not been forbidden then you can be assured that great activity in this field would have developed, and that we should not have had such difficulties as we did have in our study of defensive preparations. Even Goering, who gave me my assignment, was not seen by me during the entire time I was assigned to do this work.

Q (to Hitler himself) you did not speak on the subject of biological warfare at all?

A No, I have already said I did not speak with Hitler at all throughout the war, and I emphasize particularly I received no instructions from him in the field of bacteriological warfare.

Q Can you tell why this assignment to work on defense against bacteriological warfare was also a secret assignment?

A Yes, I can. First of all the enemy was not to know the extent of our defensive measures, and secondly, the population was not to be worried. Those are the clear reasons.

Q Do you know anything about why precisely you, Dr. Menge, were given this assignment regarding preparations to defend against biological warfare, and why this assignment was brought into any connection with the assignment of cancer research?

A Yes, I can tell you very precisely about that. This idea was of Hitler's who knew of my memorandum to Hitler regarding the cancer problem; which he had discussed with me in detail. At that time he said it would be expedient that my biological research assignment should run concurrently with the cancer assignment as secret.

Q Witness, I should now be interested to hear from you, when was your work to combat biological warfare actually begun and what did it involve? Was work done, and what was this work?

A Roughly in May of 1943 I received a document informing me of my assignment as plenipotentiary of Cancer Research Reich Research Councilor. This assignment had taken place through Goebbels. Then in June 1943 I invited the Chiefs of the corresponding Wehrmacht departments to a discussion in Berlin, namely, the Army Medical Inspector Handloser, the Army Veterinary Inspector, Professor Schultz, and the Chief of the Scientific Office of the OKW, Professor Schumann. After I had informed the gentleman who turned up of my biological assignment, I asked them for a report of what work had previously been done in those three sectors. This report was refused to me. Dr. Handloser and Dr. Schultz' deputy, Veterinary General Richter, told me on the contrary that they knew nothing of my assignment and that for this reason they could give me no information that this material was secret work. I then told Professor Schumann about

this meeting, the Chief of the Managing Committee in the Reich Research Council. Then in November 1942, following at my request, asked Weitzel to tell the three branches of the Army to give me reports, and to state what the results they had had and what new work they intended in this field of biological warfare. Then in August, 1943, I received Weitzel's order, as Chief of the RWM, to this effect. I believe this order was dated June, 1943, and it reached my hands in August. In other words, it took quite a while. This order provided that every two months the Blumheller Committee and I should participate in discussions on this question. Simultaneously with Weitzel's order on the basis of the above mentioned Fuhrer order, I was told that all preparations for employment of biological warfare were forbidden. Thus it again became clear that these preparations for biological warfare were of a purely defensive nature, and were not for offensive purposes.

Q. Witness, you spoke previously of the fact that the order you received was designated as secret, but in the documents it can be seen that thought was being given even to having this matter reported in the press. Now, how could these two facts be reconciled?

A. I believe you are referring to Dr. Sandloser's testimony on the witness stand, and as a matter of fact at that aforementioned Congress I did bring up the question of whether there should not be reports in the press regarding the danger implicit in an offensive effort on the part of our enemy in the field of biological warfare. This was, however, emotionally rejected.

Q. Now, Dr. Blum, so far you have told us only of conferences that took place as a result of this assignment. I should now be interested in the work that was done. And I must repeat a question I asked before, in knowing what activities developed in the period that followed in connection with this defense against biological war? What was actually done?

A. I shall be brief in this so that I do not use up too much time. I shall mention the essential matters. In the civilian sector no essential research work was carried out. I was satisfied with the necessary work in the civilian sector. These were exclusively measures to combat any

infectious diseases which might break out, and I considered the regulations which had already been issued as sufficient. If I had wanted to make offensive preparations, then I should have had to make the necessary assignments for research. At least I would have had to agree on this with the Physician General Schreiber, because Schreiber was the plenipotentiary for epidemics research. Regarding biological warfare per se I spoke with Schreiber on the 30 January 1945 for the first time, but I did not give to Schreiber or to any other scientist an assignment to carry out research. In the animal sector no essential research was carried out during my assignment.

A. (continued) My main efforts were directed toward the foot and mouth disease where I thought about increased production of vaccines and corrected the lack of a sufficient amount of vaccine. Moreover, I brought it about before the appearance of rinderpest, immediate work should be done in production of vaccines and the scientific work in that subject. In the botanic sector, my first efforts were directed toward having chemicals ready to combat insect pests, and the research into new methods of combating such pests. The latter matter is very important on account of the German raw material situation. There was sufficient knowledge already about insect pests. A special institution was working on the problem of the potato bug. There was enough machinery for the extracting of chemicals from the earth. However, I had a new disseminating machine developed which was to combat insect pests from airplanes on a large scale. The work to develop a method for combating a possible artificially affected spread of weeds had not yet been concluded. We spread potato bugs from airplanes in order to ascertain whether or not the potato bug could be dropped from great heights effectively. That, in summary, is the essential aspect of the work that was actually carried out.

Q. Dr. Gross, were those defensive measures, that is preparations for defensive biological warfare, had they progressed so far that Germany was in a position to defend itself in this field had it been necessary? But this work developed so far?

A. No. Our defensive preparations were insufficient in this field.

Q. You told us before that you had had no conversation with Hitler, and had received no orders from him. From your previous interrogations, it can be seen that you must have had frequent discussions on these questions, in your case with Hitler. The first discussion took place in July or August 1941 with Hitler. What was discussed at that time? Please limit yourself to the subject biological defensive warfare.

A. Himmler asked me and to him that I had been given a very important job, and the reason he wanted to give me his support. He had already given his collaborator, Dr. Straubinger, the assignment to get on with me. Himmler asked me of my opinion regarding the possibilities of using biological means of warfare, and I explained to him the following: For the plant sector I told him of beetles for potatoes and for sugar beets and rape-seed, the plant from which margarine is developed, and a fungus for wheat. Himmler contradicted me about the latter, but told me, in his opinion, the greater danger was the potato bug. In the animal sector I mentioned the hoof and mouth disease and rinderpest and the hog plague. Himmler, however, thought that these could be combatted essentially by vaccination. I told him that on the basis of international agreements the virus that brings about rinderpest and the hog plague could not be kept alive in Europe, and that only after such epidemics broke out could we begin to manufacture the vaccine.

A. Dr. Glom, you said before that it was always your point of view that biological warfare could only be considered as a defensive measure, that is, if the enemy began against Germany. What was Reichsfuehrer-SS Himmler's attitude toward this question?

A. Himmler asked me what my opinion was, and I told him that in view of Germany's geographical situation the consequences of such warfare would be devastating for Germany. If the enemy were well prepared and proceeded rapidly against the animals and plants — Germany's whole food production would be in danger and this would be contrary to promises made at the beginning of the war to the German people. Himmler opposed my point of view at that time regarding the existence of such a danger for Germany, but in later talks with me admitted that I was one hundred percent right. In the talks in May or June 1943 Himmler brought the subject around to an offensive biological warfare on part of Germany and asked me what I thought of that. I answered that Hitler had frequently ordered that no part

offensive preparation should be made in this field, and that in view of Germany's geographical and strategic position such warfare would be an incalculable danger to Germany. The beginning of such offensive warfare would institute a boomerang that would strike Germany. I pointed out at this occasion that offensive biological warfare was impossible for Germany because we had not yet made sufficient preparations in this field.

Q. Is it correct that in this discussion which you had with Himmler in July or August 1943 regarding the problem of biological warfare, that he interested himself in the question of plague? If so, why?

A. That is true. When Himmler asked about the dangers in the human sector, I named the various epidemics possible and also mentioned among them the plague. And Himmler explained to me that according to the reports, that had come in, the plague was possibly the greatest danger for Germany, objectively speaking because of the dangerousness of the plague itself, and also because of the psychological repercussion a plague would have in Germany. For centuries the plague had been regarded in Germany as the greatest affliction of mankind. Himmler told me on this occasion, by way of example, of events that had taken place in the Caucasus, that even SS troops had refused to march on when they heard that they were to enter areas infected with the plague. During this talk Himmler told me that he must, by way of human experiments, find an effective vaccine against the plague. He asked me to think about how this could best be brought about. He told me then that he would

offer no space and facilities in a concentration camp and he also told me that they had found a very effective typhus vaccine through experiments in Buchenwald. Consequently, I should carry out plague experiments in concentration camps to find a good plague vaccine. Because of my spiritual repulsion of this idea I rejected this order. The fact that I did not want to enter the SS and thus be immediately subordinate to Himmler, also played a roll in this, development which otherwise I should hardly have been able to prevent. In order to deflect Himmler from these notions I pointed out the danger of infection that would arise if experiments were carried out in concentration camps and pointed out the necessity of particularly isolated laboratories for such experiments which would have to be specially constructed. Mauthausen or Posen seemed to me to be the appropriate place for this.

Q. Dr. Bloch, from your previous answers it has not yet become clear to me how it was that Himmler came to interest himself in this whole problem. Was Himmler in any way competent for matters concerning biological warfare?

A. Certainly he was competent because he was not only chief of the German Police, in charge of all police measures, but from the practical point of view Himmler was also Minister for Health in his capacity as Reich Minister of the Interior which was legally in charge of health matters in Germany. That Himmler concerned himself so intensively with the plague problem is to be traced back to a pathologically exaggerated ambition on the part of Himmler. He wanted to be the one who would be held responsible for the successful combatting of any scourge so terrible as the plague. I believe this also is the reason why Himmler so interested himself in cancer research. At any rate, at that conference with him that I mentioned he had me give him a summary survey of the status of cancer research. I stated my opinion about experiments on human beings in connection with cancer research and Himmler told me at that time that he was in favor of human being experiments in view of the importance of the problem. He considered the matter, of course, that for such experiments only common criminals should be used and namely, prisoners who had been condemned to death. Such criminals would, if they survived the experiments, be pardoned without further ado. That at least is what he said. In certain circles, to be sure, efforts had been made to have certain experiments carried out which he had arranged for under Reacher, but he told the office in question unmistakably that he regarded it as high treason to refuse to carry out experiments that were necessary for the war and he referred in this to an order of Hitler's expressing the same point of view. In connection with war discussions of the cancer problem, Himmler mentioned a certain Dr. von Inselburg.

was visited as later and was believed that he had found a means of combating cancer in the root of a certain Alpine plant.

Q. Dr. Blum, some time later than there were further discussions between you and Himmler? What was the subject of these discussions?

A. The next discussion was roughly a month later. The reason Himmler asked me to visit him this time was that Dr. von Luetzelburg, whom I have just mentioned, together with Dr. Sievers and Mascher, had been sent by him to me. I myself had called Professor Holz to this discussion. It was here a question of testing the efficacy of this so-called Alpine vegetable extract. I and Holz were of the view that first of all this extract should be chemically analyzed and that before this question was clarified I should refrain from passing judgment on this drug. Only after the necessary analysis had been carried out should animal experiments begin. Professor Holz and I were of the same opinion.

MR. FARBY: Mr. President, I am not aware that the prosecution has charged the defendant with cancer research or anything involving cancer experiments that requires such a long explanation as this.

THE PRESIDENT: Counsel's statement is correct. There is no charge against the defendant involving cancer experiments. The matter can be touched upon very lightly but we are not dealing with time should not be taken up in studying the defendant's activities along this line.

DR. SARTER: Mr. President, we are confronted here with a difficulty that confronts the other defense counsels. We have received copies of the indictment and assume that the indictment contains particulars of what the individual defendants are charged with. However, in the course of the trial a rise of other problems were brought up; namely, problems that were not even mentioned in the

Court I

incident, and the defense counsel were not sure whether the prosecution is also clear in the defendants with these other problems. For this reason, at the beginning of the case and after talking with certain colleagues I brought up the question of what the prosecution intended to do. These further problems and the prosecution started to tell all that was brought up in the course of the trial was told charged against the defendant. That, at least, is how I understood it. Entirely aside from the fact whether or not those points were mentioned in the indictment. Now, I am not quite sure whether, when I finish my defense tomorrow, the prosecution won't come to me and say: "Look in this cancer research and in other research there were experiments on human beings and, of course, these too should be charged against the defendant."

THE PRESIDENT: The prosecution has closed its case in chief and introduced its evidence. Now, you not only the indictment, but the evidence is called for the prosecution. I am convinced nothing that I remember concerning any charge concerning cancer research.

DR. SAWYER: Mr. President, a number of documents were submitted which concern themselves with cancer research, and if the prosecution is not like the attitude that because of this cancer business and human being experiments is associated with the other we should be raised against Dr. Brown, then I do not understand why these documents were presented at all.

DR. BARRY: May it please your Honor, if the prosecution objects to the particular position taken by our defense counsel or another, defense counsel always batters back and forth and consumes the time that he could be doing up in taking up that subject. I object to points in this case.

THE PRESIDENT: The defense counsel comes back with a line argument. I have not the time for discussion.

at least four times with Dr. Sauter to my knowledge, and I don't know how many times Mr. McInnes has said it. I think at this time we should ask Dr. Sauter to refrain from any comments along these lines.

THE PRESIDENT: I would ask counsel for the prosecution if at this time he expressly disclaims any theory that the evidence for the prosecution in any way connects this defendant Mr. Blome with any alleged offenses in regard to cancer research?

DR. LADD: Mr. President, let me say the following in this matter.....

THE PRESIDENT: (Interrupting) Counsel, my question is propounded to counsel for the prosecution and the Tribunal would like to have his answer before hearing you.

DR. LADD: During the case in chief for the prosecution we, at no time, introduced any evidence pertaining to cancer research, or experiments resulting therefrom. We had intended, at first, to introduce such evidence but decided it would be inadvisable, and we never, at no time, made a specific charge against the defendant alone that he experimented or was involved in experiments or cancer research on human beings in a concentration camp.

THE PRESIDENT: Counsel for the prosecution might wish to state at this time which he just made and disclaimed any theory upon which this defendant could be charged with any offense connected with cancer research, but whether it is not a necessary, or even a proper subject for discussion even as it might arise incidentally in connection with some other matter.

DR. LADD: Mr. President, let me say one thing. It is very unpleasant to me defense counsel that every few minutes the prosecution comes up to the microphone and objects to the defense counsel is speaking on any other matter. In

this trial and in the III process I never remember a case where the defense counsel went up to the American prosecution and told them what they could submit and what they couldn't. I believe I am speaking now for all my colleagues when I say that it should be left to the sense of duty of the defense counsel to decide to what extent he wishes to interpose to his client and that the prosecution should not keep making objections to the way he conducts his case. We, on our part, have never thought of objecting to the way the prosecution carries out his.

THE PRESIDENT: Counsel for either the prosecution or defense may always object to questions which are improper. They may also interpose questions to matters which they say are entirely immaterial.

The Tribunal will now go in recess until 1:30.

(A recess was taken until 1330 hours, 15 March 1947).

AFTERNOON SESSION

(The hearing reconvened at 1300 hours, 18 March 1947.)

THE MARSHAL: The Tribunal is again in session.

MR. HADY: May it please the Tribunal, the Defendant Rose has submitted a request of prosecution in order to aid him in the preparations of his defense. Namely, he has requested a statement from the prosecution as to whether or not the prosecution intends to use the subject of the air squadrons for forest protection and of malaria control by airplanes against the Defendant Rose. In addition, he requests to know whether or not the prosecution intends to conclude that Professor Rose participated in the 1000 experiments and the skeleton collection. The prosecution announces at this time that they have no intentions of furthering either Count against the Defendant Rose.

THE PRESIDENT: Counsel, does the Tribunal understand that the prosecution has abandoned these charges against the Defendant Rose?

MR. HADY: In connection with the skeleton collection and 1000 experiments, the Defendant Rose was never charged with them specifically in the indictment.

THE PRESIDENT: I understand that, but any possible charge on these counts by the prosecution?

MR. HADY: Yes, Your Honor.

THE PRESIDENT: The Secretary-General will note for the record the statement by the prosecution.

Counsel for the Defendant Rose may proceed.

MR. ROSE - Resumed

DIRECT EXAMINATION (Continued)

MR. SMITH (Counsel for the Defendant Rose):

Q. Now, you have heard that the prosecution has stated that the Defendant Rose was charged with the collection of skeletons and the 1000 experiments. There will be no charge against you; consequently, subsequent answers you can always omit the part which refers to a cover work for the appropriation of defense resources against biological warfare. You have said, we's done at your institute near Leoben, Austria. This was done in assistance for this, SS-Standartenführer Dr. Gross. 11-11-47

Dr. Korschke has already testified about this. I want confirmation from you whether it is true what we have heard from other sources, that this Dr. Gross was assigned to you as an assistant is not identical with the Dr. Gross who was at the meeting of consulting physicians at Hohenlychen and is included in the list. You can answer that question, yes or no.

A. First, I should like to come back to two points in your question. I understood you correctly, you spoke of work done at the Kosselstadt Insti-

Yes.

Q. But I have explained carefully that up to 1945, when the Russians came to Jochen, there was no opportunity to do any work yet, and no work could be done. That by way of correction. In the second place, you mentioned Dr. Korschke. Is that not a mistake? As far as I know, Dr. Korschke did not know Gross at all.

Q. Then it was on some other occasion, at least Dr. Gross has been mentioned several times.

A. Dr. Gross was mentioned on a different occasion. In answer to the question whether this Dr. Gross was Korschke assigned to me attended the meeting of consulting physicians at Hohenlychen, I answer, No.

Q. Now, Dr. Blome, in the letter of preparation for defense against biological warfare, in specific the plague problem, did you have any further discussions with Reichsfuehrer Himmler?

A. I spoke of the two discussions with Himmler, one in July or August '43, and the second about four weeks later. Then six months later in February or March of '44, during the visit of Himmler to Hitler, I had to report to Himmler about my work as planned and the problem of biological warfare in general. This discussion took place in Himmler's headquarters at Salzburg. I said that the Reichsfuehrer Dr. Gross was collecting the literature, that there were great difficulties for the conception of the building and the facilities, and so forth. Orders for equipment and material were very slow, that he could not help me. He said that he had difficulties. I had to say how I could overcome these things by myself. I pointed out that the question of biological warfare had not been taken

years ago, and he asked me whether nothing could be done against the American invasion in the East which was expected, in order to interrupt it or to postpone it.

He was thinking, for example, of grippe or influenza, and he recalled the Spanish Grippe which had made such difficulties for the German Army in the First World War. I told Himmler there was no such thing, and the question of the half and mouth disease epidemic in '44 and '45 was discussed, since according to experience a return of this epidemic can be expected about a five years.

Himmler asked me what had been done against this and I referred to our excellent vaccines, and also the lack of organization on the part of the Reichs Ministry of the Interior, with reference to the protective vaccination which has to be undertaken. The half and mouth disease was beginning to penetrate into Germany from the East. The question of rinderpest was also raised. I again referred to the prohibition of the International Convention for Europe, that rinderpest virus could not be kept in Europe, but that no vaccine could be produced consequently. Himmler said he would try to get rinderpest virus.

Q Then I believe you had a few discussions with Himmler which we
not go into in detail. I believe they were more or less to the same effect
as the earlier discussions, is that true?

A Essentially, yes. About four weeks after the discussion which
just mentioned, I had another one with Himmler. He called me in and
ostensibly biological warfare agents were used in Normandy, but I told him
that this news was not true. Then about the beginning of September 1944 I
visited Himmler again at his field headquarters in the West, about 40 kilo-
meters from Saarbrücken. That was the last time.

Again, the Prosecution submitted a document, No. 11b, Exhibit
32b, a letter from Reichs-Physician Grawitz to Himmler. It refers to de-
fensive measures against biological warfare and refers to the compilation which
Obersturmführer Wragowsky, your co-defendant, say have made about the
important scientific materials. It says that at the instigation of Blume
Wragowsky dealt with the question of defense against biological warfare
with the compilation of the most important scientific material and to work
which I enclosed. End of quotation. In this letter the word "defensive" is
underlined. Did you know of this letter at the time and did you know of
the work done by Dr. Wragowsky?

A I know about the letter. The only time when Wragowsky visited me
was the delivery of a carbon copy of this letter. The report primarily re-
ferred to the necessity of a well-organized intelligence service in case
biological warfare should be applied against Germany.

Q Now if, in conclusion, we recall all your answers on the prob-
lem of biological warfare, can you, Dr. Blume, with a clear conscience, say
that you yourself were thinking always only of defensive measures in
biological warfare, that you always repudiated offensive biological war-

Furthermore, that you did nothing in order to prepare a biological
offensive against Russia or other countries? Can you say that on
this?

A. Yes.

Q. Doctor, now I remind you, it is supposed to have happened that Himmler asked of you that measures of retaliation in the field of biology in Germany were to be undertaken, I believe it was against Russia. What does that mean?

A. That is true. Himmler made that request.

Q. When was that?

A. In 1944.

Q. And why?

A. I believe it was the second discussion in the Spring of 1944 when he made this request, but this was not specifically against Russia. He spoke quite generally. He said that it would be necessary to prepare measures of retaliation in the event that the enemy should begin biological warfare. I told Himmler at the time that I was in no position, on the basis of my research assignment, to prepare such retaliatory measures. To prepare such retaliatory measures as Himmler had in mind I would have needed a special assignment from the Fuehrer; but I knew as well as Himmler, and I told him that Hitler had prohibited all offensive preparations.

Q. Witness, now I put to you a testimony in the first Nuremberg trial by a witness, a person who has been called several times in this trial, Professor Dr. Walter Schreiber. This witness, in the session of 26 August 1946, in this room, was examined before the International Military Tribunal. To facilitate matters for the Court, I have included his affidavit and his testimony as Document No. 7 in the Plenary Document Book, that is, an extract from it, so that the Court will be able to examine those parts of Schreiber's testimony and affidavit in so far as we must refer to them in examining Defendant Dr. Elze. This is Document No. 7 in the Plenary Document Book. It will be given the Exhibit number 81 and No. 11. I ask that this entire document, even the parts which are not read, should be accepted as evidence.

A. Yes. I believe you know Professor Schreiber?

A. Yes.

Q. You know the testimony which he gave on 26 August 1946 before International Military Tribunal?

A. Yes.

Q. You know the affidavit which was submitted at that time?

A. Yes.

Q. In this testimony, the witness, Schreiber, spoke of experiments for the purpose of biological warfare or for the preparation of defense against biological warfare in Posen in your institute. He says, and I quote: "I do not know any details about them. I know only that spraying experiments from planes with bacteria emulsion, so-called aerial experiments, were carried out and that experiments with insects and bugs harmful to plants, were carried out. But I am not in a position to give any detailed information because I myself did not participate and do not know the details." End of quotation.

If one reads that in the atmosphere of this courtroom, one might get the impression that these were experiments which might be considered as inhuman or illegal. Can you please explain briefly what kind of experiments these were?

A. The statements of Professor Schreiber about the experiments conducted in my Institute at Posen are not true. I have already said that in January 1945, when the Russians came to Posen, the Institute was not even finished; that at this time there were about 300 workers still working there; that nothing was ever done at this Institute as far as research is concerned and no airplane experiments were conducted at Posen. During my whole career in office not a single such airplane experiment was carried out, not even in other areas. The experiment which Schreiber mentions was once done before war, even by assignment, which Professor Kliowa once told me about, but it was not for an offensive purpose and the result of the experiment was absolutely negative.

Q Then, if I understand you correctly, Professor, those are things which have nothing to do with human experiments such as have been the case in this trial?

A No, they have nothing in common.

Q Witness, Professor Schreiber in his testimony, and this is also shown by the document, also said that in March 1945 you had to flee from Posen before the Red Army, that you went to see him at Berlin and told him that you were quite worried that the arrangements for human experiments -- I emphasize -- arrangements for human experiments which were in progress in Posen and which were recognizable as such, might very easily be recognized by the Russians; and that you asked Schreiber to see to it that your professor and your plastic cultures which you had saved might be able to come to work at Sachsenhausen. That is what Professor Schreiber said. Now in a statement of the significance which the word "plastic" has in every language I should like to ask -- what do you have to say about this statement of witness Schreiber, specifically about these arrangements for human experiments and about the plastic cultures?

4. I shall be as brief as possible. It is not true that I visited Shreiber in March 1945. I visited him on the 30th of January 1945. I had learned by accident that under Schreiber's supervision that in 1943 there were laboratories at Sachseburg to produce poison gas. I wanted to send Dr. Gross there with the material we had saved from Posen, because I was looking for a place for him to work. As far as I myself was concerned I did not want to go there. That was out of the question because I had other duties. I had other things to do besides sharing my only laboratory with Dr. Gross. Shreiber's description that I had had to flee from my Institute at Posen, that I was not able to blow it up, that is not true. I must assume to give Shreiber the benefit of the doubt, that his memory failed him; and this is indicated by the fact that he confused January with March. I told Shreiber the following about the evacuation of the Institute, and this is what truly happened: It was on a Saturday, about January 14th, when the order to evacuate the warth-Gau was given. Unaware of this order on the day before I had gone to Berlin with two cars to get the most important things to safety. On the next day, on Saturday, I returned to Posen. On the way I met numerous groups of refugees. In the afternoon I arrived in Posen. I went immediately to the Chamber of Physicians to find out about the situation. Here I learned in the morning there had been an order issued to evacuate the warth-Gau and on the same evening the Gauleitung would leave Posen. I went to the east across the river Warta to my Institute. I stayed there Sunday afternoon. I saw to it that my people and part of the materials were removed, and then I was the last German to leave the Institute. During this 24 hours I considered whether I should blow up the gas chambers which had been built for the bacteriological work. On Monday night, from Thursday to Friday, I had called on the Polish Defense Commissioner Grelor, who had given me the order not to let the Institute or the valuable equipment fall into the hands of the Russians. If it should be necessary to evacuate Posen I was to

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blow everything up. After serious consideration, however, I decided not to blow it up, in spite of the fact I had plenty of time and opportunity to do so. Even if this had not been the case I could have had it destroyed by Stuka bombs, by dive bombers. That is the state of affairs, and that is what I told Shreiber.

Q. Witness, what about two plague cultures; I asked you about two plague cultures.

A. I did not see any plague cultures as Shreiber says. I had only one which I had received very shortly before. Shreiber knew that; I had told him so. It was on the contrary the later, and this was probably in - even, given as a certificate, for my associate, Dr. Gross, to the Sachsenburg, that Dr. Gross could collect the various plague cultures which were at Sachsenburg. Shreiber had told me that the various plague strains available in Germany, in Europe, were being used by him at the Institute. A plague vaccine was to be produced. I could understand how Shreiber could say in his own statement, not a question. "Professor Schuhmann and his ministerialrat to him, and a number of other doctors, scientists, whom he did not even expect at my Institute in Berlin." This Institute was not ready to begin work. It was already stated. The most noteworthy thing in his testimony: "I had been informed, Shreiber cancelled the fact that the Institute of epidemic research in Germany. I am convinced that Shreiber if this fact the reforms counsel would have cross-examined Shreiber much more thoroughly at that time, because it should be obvious, and for a lawyer, that in the case of any intentional biological warfare the man in charge of epidemic research, -- that Shreiber would have been in charge. He was the man in Germany in charge of all various of epidemic research done together. The name is, as his name mentioned often enough in this connection, and in the trial.

Q. Witness, you said you had only one plague culture at that

A. Yes.

Q. Do laymen understand very little about medicine, or nothing. You don't explain to us why you had this one plague culture?

A. To obtain plague vaccines which I would have lacked to produce it, I would have needed plague cultures of course, not just one but quite a number of them, because not every strain of a bacteria is suitable for producing vaccine.

Q. Did this Professor Schreiber, who expressly says that you had plague cultures, did he himself have plague cultures?

A. Yes, I already said so, at Sachsenburg he had a number of cultures, as he explained to us all of those that were available in Germany or in Europe.

Q. You have already said that Dr. Bloese, but you did not say they were Schreiber's plague cultures; then Schreiber had plague cultures at Sachsenburg in other words in his institute?

A. Yes, he was the institute under him. But when he was examined here he did not say anything about that.

Q. Witness, this Professor Schreiber in the question of the application of plague bacteria, he said something, and I should like to hear whether you share his opinion. He said, and I quote from Schreiber's testimony: "would the use of plague bacteria not involve enormous danger for our own troops?" he was asked, and Schreiber answered, "Yes, not only for the German troops but for the whole German people, for the refugees going from East to West, and plague would have been carried into Germany with great speed." That was the testimony of Schreiber. Perhaps you don't answer "yes" or "no" whether that was your opinion in regard to this type of bacteriological warfare?

A. Yes.

Q. Then on the subject of biological warfare I have a last question: Witness, in the judgment of the International Military Tribunal it was said among other things, and I quote: "In addition

Soviet prisoners were made the subject of medical experiments of the most horrible and inhumane type. In July 1943 experiments for the preparation of bacteriological warfare were begun. Soviet prisoners were used for these medical experiments." Then this same judgment of the International Military Tribunal says that in regard to the scattering of a bacterial emulsion from airplanes for the purpose of spoiling the harvest and creating a famine, only preparations were made but it was not carried out, perhaps, the Court says, because of deterioration of the military situation for Germany. Witness, I should like to hear from you under oath, did you ever hear anything that preparations were made for bacteriological warfare on the German side, or that Soviet prisoners were used for medical experiments?

A. No, I never heard anything about that. I have tried to find an explanation for this, but I cannot imagine any explanation. I can say here on oath only that in the whole field of biological warfare not a single human experiment was conducted, whether permissible or forbidden in the whole field of biological warfare.

Q. Witness, if what is asserted here is true that medical experiments of the most horrible or inhumane type were conducted, then you on the basis of your position as Plenipotentiary for the preparation of defense measures against biological warfare would you have had to report about that?

A. Normally, yes.

Q. But you did not know about it?

A. No, I heard nothing whatever.

Q. And in the course of this trial you heard nothing which might be proof of the correctness of this assertion?

A. No, no.

Q Now, witness, I shall leave the subject of biological warfare and turn to another subject, Daryl. The prosecution on the 10th of January after biological warfare dealt with this question and according to the principle of prima facie, it became a charge of the indictment. Witness, first I refer to Document No. 641, Exhibit 327, which is not in any Document book. It was submitted on January 10th by the prosecution. This document deals with Daryl; it is a teletype message from Gisors to SS Standartenführer Dr. Brandt of 18 August 1944. This message says in part I am now quoting; "Professor Glomo asks an appointment with the Standartenführer SS for report from 25 August 1944 on because of necessity of obtaining certain information not possible before that time."

There are three points which the report is to be giving; the first is, the report is to be given at the moment. The third point is and I quote: "This is a experiment in connecting with report given to Reichsfuehrer SS on 21 June, for this is the first time to test please now."

This subject was -14, was a source of the informant and I therefore ask you what was the plan; what was the purpose of the experiments which were to be undertaken and were such experiments actually conducted?

1. This was Daryl, which is in the diary of Sievers on 11 August 1944. On 21 July 1944, Professor Eliass came to see me and discussed various matters of military interest. He asked me on this occasion whether there was a possibility to have the poison Daryl tried for its effect on human beings, he said that Daryl had been found in large quantities on Polish soldiers. In his office, that is Eliass's office this Daryl was not known and for that reason it was to be tested. The effect was to be ascertained and an altitude found. The medical inspection also had asked me Sievers to clear up this matter, but he could tell me nothing because of the secrecy. I reported this conversation to Shaler and I wanted to know whether they intended to use poison in warfare now, although it was forbidden by international law.

Q You say you reported this conversation to Hindler, Reichsfuehrer SS?

A I reported it because Himmler was chief of the reserve army and as Reich Minister of the Interior, he was chief officer for the civilian health system and because when I was given my assignment for biological warfare research, Bormann had told me that in all questions if necessary I should go to Himmler.

Q And then what else did you do in this matter of Daryl poison and what was the occasion for this teletype message from the Defendant Sievers to Rudolf Brandt on 18 August 1944?

A The Daryl question seemed to me of great importance, especially since I had the assignment for biological warfare research, I wanted to get clarity and after four weeks I went to Sievers so that he could arrange the interview with Himmler, which I wanted for this and other reasons. Sievers sent the teletype of 18 August 1944 to Rudolf Brandt.

Q And why, Dr. Heene, were you interested in this Daryl matter; why was this in your competency or even your interests?

A That was not merely my competencies or interests, but I had to harbor the suspicion that poison and gas might be used in warfare and the next step would if necessary have been the use of biological warfare agents; that was the reason why I wanted to obtain certainty and that is why I went to Himmler. There were many rumors at that time or even that Germany was going to be in no warfare. In order to get certainty in this question, I went on and wanted to talk to Himmler about it. I questioned whether certain poison and gas were to be used in warfare now; Himmler denied it definitely and as far as I was concerned that settled the matter.

Q Dr. President, in this connection I offer to the Tribunal from the Elise document book a document on pages 18 and 19, Document No. 11, which is Exhibit No. 12. It is a very brief affidavit, properly certified, an affidavit by Professor Kliene, the same Professor Kliene whose name we have heard frequently. It is dated 7 February 1947 with regard to the Daryl charge. I think this very brief affidavit is of great significance and perhaps I may read it. He says:

"From the chemical substances brought by a Polish agent from Warsaw to Berlin and identified in the Pharmacological - Toxicological Institute of the Army Medical School, Deryl was found in addition to arsenic, mercuric chloride, lead, Betulinetordin, etc. We were at the time astonished that this preparation, which is used for diseases of the eyes and intestines, was provided for sanitary purposes. As I collected information about acts of sabotage and when necessary announced protective measures for the troops, I asked Professor Blum when I met him whether he knew Deryl, and whether it could be used for sanitary purposes. Professor Blum said he did not know the preparation either, and it would be very difficult to have experiments performed on criminals sentenced to death, as Himmler himself had to give permission. When I met Dr. Blum again a few weeks later I told him I had discovered that in the laboratory of the Pharmacological Toxicological Institute, attached to the Pharmacological Institute in Gießen, animal experiments with Deryl had been made, because it was thought that other countries intended to use this preparation for chemical warfare. The results of the animal experiments showed that the preparation was of no importance for sanitary purposes. Therefore, I had no more interest in the preparation. But, as a precautionary measure, the preparation was ordered only to be sold against prescription."

And then the witness says:

"I am finally convinced that Dr. Blum arranged for no human experiment with Deryl, for they would have served no purpose, and also when we were together in the Buchen camp, he never mentioned that he performed experiments."

That is the affidavit of witness Kliewe.

THE PRESIDENT: Counsel, will you again give me the number of that exhibit; was that exhibit 12?

DR. SUTER: This last affidavit has the exhibit No. 12, Blum's Exhibit

BY DR. SLUTER:

Q Professor Bloch, you have heard the affidavit of Professor Kiewe;
are its contents true?

A Yes.

Q You are supposed to have said that it was very difficult to have
experiments carried out on criminals condemned to death, as Himmler himself
had to give permission; what do you have to say about that?

laboratory. These experiments in 1940-1941 were started, because in 1940 after the Western campaign, doryl had been found on the French side as a chemical warfare agent in the experimental stage. The French apparently had had the intention to use doryl as a chemical warfare agent, but had not advanced beyond the experimental stage. As the results of the German experiments in 1940-1941 showed that doryl possessed none of the properties of a chemical warfare agent after the earlier experiments had been carried out, the matter was considered settled.

"In 1944 doryl was still available to German chemists without a medical prescription. Therefore, for our experiments in 1944, I applied through official channels to the Army Medical Inspector to let doryl be included among those drugs which could only be obtained against a medical prescription, as, in my opinion, knowledge of this drug could cause symptoms of poisoning, and I wanted to prevent misuse of it. As far as I know, my application was granted, that is, the sale of doryl only against a medical prescription was now 'ligated'."

The witness says:

"I can certify that in my knowledge no human experiments at all were made with doryl. Such human experiments were not necessary because the animal experiments had already achieved definite clarity as to the characteristics of doryl, i.e., its suitability or / or non-suitability as a chemical warfare agent, as well as the question of its armability."

"Permeability is the quality of certain liquids to introduce drugs into the body through the skin without thereby injuring the skin itself."

Then there follow the certifications. This affidavit is a valuable supplement of the other affidavit which we have just heard of by the witness, Professor Altmann.

BY MR. CAYTER:

The witness, now I have the subject of doryl injected as another drug, only. In Document Book II, a blood coagulation various documents have been submitted. I shall begin with Document 456 in this Document Book II, Exhibit 27. It is 29 in the German Document Book. It is a note from the office of the senior Dr. Fischer received in the Reich Research Council in

...in connection with another assignment in the 23rd of February, 1944, under number 2, a research assignment with the designation to develop methods of fabrication for the production of the blood coagulation drug, polygal. I request to develop methods of fabrication for the production of the blood coagulation drug, polygal.

Is that an assignment, Dr. Alaso, which you assigned with the Reich Research Council, and if so, what was the purpose of this assignment?

A. Yes, I issued the assignment. A drug was to be produced which in cases of operations and injuries would make the blood coagulate more quickly so that there would not be a loss of blood unless important blood vessels were hit.

Q. Dr. Alaso, is it that this drug was such an experiment necessary?

A. No, for in cases of operations there were no lost cases in which this drug could be tested in an official way and so.

Q. Can you tell us how this drug was used? Was it in the form of tablets or was it a liquid? Was it injected?

A. In contradistinction to all other coagulants, this drug had the advantage of being taken as a tablet. It was produced in a gelatin base with the addition of a certain acid. Gelatin is that substance which makes marmalade and jelly thicken. I hope I have expressed myself clearly here.

Q. Witness, it says in the document that Dr. Fischer used one or several concentration camp prisoners as subjects in order to test in this manner or these prisoners this drug, polygal. As far as I know, this is in the affidavit of SS-Dr. Schneider of the 23rd of July, 1946, Document 065, and it 237. Can you now say that this statement?

A. I do not know at this stage the course of the trial, but I cannot understand this because such an action to test the efficacy of polygal would have been completely redundant. Dr. Fischer is hard to get at great length on this matter. We know of a artificially-inflicted wound for the sake of experiment. Whether such was carried out, I don't know even today. If persons were actually killed by experimental shooting, that is certainly did not take place in order to test polygal because as soon as the subject is dead, the application of polygal is no longer necessary. In other words, that would have been completely unnecessary.

Q Did you say this to Dr. Rascher and did you point out that there were enough experimental subjects among persons in military and civilian hospitals who had to be operated on?

A Rascher told me once previously that he or another doctor had rubbed the upper thigh of a person under anesthesia until it became bloody and then tested the efficacy of polygal, but I didn't take this statement of his seriously. From the very beginning at that time I told him that he should give polygal to several well known clinics so that it could be used during bloody operations. In this way he could best test the usefulness of this preparation. Rascher then did, as a matter of fact, give this drug to a number of clinics to be tested. Robert Foix, the discoverer of polygal, who was in prison in Dachau, visited me in 1944, and told me this polygal received a splendid recommendation from a surgeon and I believe he mentioned Professor Treutler, Innsbruck. The action of first polygal did prove to be a useful drug to control bleeding.

Q This polygal which has been discussed here in connection with the experiments was discovered by a certain Robert Foix, who was in a concentration camp, and you took an interest in this Foix as shown by a letter from Dr. Rascher to Sielers of the 25th of September, 1943. This letter is in Prosecution Document Book II, page 11, document 611. Rascher writes to Sielers that Blume had given him great hopes about the release of Foix, in case the Reichsfuehrer SS, that is Himmler, got a somewhat different picture about the person of Foix. This Foix, Dr. Blume, is the same Foix, is he not, with the witness Kraft mentioned here on the stand?

A Yes, this is the same one.

Q And what did you do for this man Foix? Did you tell us that brief-

A Foix was a Jew, but he had been legally declared a half Jew of the first kind. He had had a high position in the army as an official and was about to be put on trial for corruption. He was tried and was acquitted so he was leaving the court room he was taken into custody with Hermann's permission by Himmler and put in a concentration camp in Dachau, despite the verdict. Here in Dachau Foix came in contact with Rascher. Rascher had

Arthur Feix was an expert in the food question and the blood circulation question; and Himmler asked me about Feix, and I told him that in my opinion an injustice had been done to Feix because if he had been on trial and had been acquitted, it was not right that he should then again be arrested. Himmler told me there was something wrong with the situation, but he said "If you appear in his behalf and tell me he is a decent respectable fellow, then we will see what I can do for him", and then independently Sievers also made the same suggestion to Himmler. I made application to have Feix set free and proposed to Himmler that Feix should be declared legally a half Jew by Reichszeugamt which was subordinate to Himmler in his capacity as Minister of the Interior. Then after I had received the necessary assignments from Himmler, I, as I said, appeared in behalf of Feix, and it must be added that Feix' mother, who was a full blooded Jew, had been transported from her home in Frankfurt to the Ghetto in Theresienstadt. I did bring it about that Feix was set free but I did not succeed in having him declared legally a half Jew. The Chief of the Reichszeugamt opposed this because he feared some difficulty with Hermann. Hermann was said to be interested in the case personally because allegedly a relative of one of Hermann's servants had stolen a good deal of Feix' property after he had been arrested, and that was the reason I was interested in Hermann's interest in the matter; and then in the spring of 1944, when I was again with Himmler, I put these things to him and suggested that he should give me a written order to the Reichszeugamt so that Feix should be legally declared a half Jew, because in so doing we would simultaneously release his mother from the Ghetto in Theresienstadt; and Himmler answered that if Hermann wanted it that way, he could do nothing.

Q. SUTHER: Mr. President, I wanted to submit an affidavit from this Arthur Feix. Some weeks ago I talked to the witness about this and he declared himself willing to give the affidavit because he believed that in that way he would be able to help the defendant alone, but before this affidavit could be taken down, and the witness was approved by Dr. Weissgerber too, the witness was given an order by the prosecution that until further notice he was not to talk to any more defense counsel. Consequently I and Dr. Weissgerber, too,

who can confirm the correctness of what I am saying, we were unable to get this affidavit from the witness. Subsequently, we frequently tried to get in touch with the witness. In particular, we repeatedly inquired whether the address of the witness could not be given to us, but in spite of all efforts we did not succeed in finding out the address of the witness. A few days after the witness had discussed the matter with Dr. Weisserherber with me, he disappeared from Nurnberg. He was not allowed to talk with any one, and that is why I am unable today to give you this affidavit. Now, I should like to ask the Prosecution to give us an opportunity to get in touch with this witness so that we will be able to get an affidavit from him, because without the cooperation of the Prosecution it will be impossible for me to find out the address of the witness.

MR. HADY: May it please Your Honors this situation has arisen in connection with other witnesses, but in this instance Robert Feix was brought to Nurnberg as a Prosecution witness and transported here by the Prosecution. He was brought here as a voluntary witness and placed in the voluntary witness house run by the Prosecution. After he arrived in Nurnberg he was immediately contacted by defense counsel, and the Prosecution is not aware that defense counsel requested Robert Feix as a witness. At least I am not. I interrogated Robert Feix and determined we could not use him as a witness and they interrogated him, and whether they wanted to use him or not, I do not know; but in the meantime Robert Feix has been placed under arrest or now received an indictment and is going to trial in Dachau in the concentration camp cases being held there. If they wish to get an affidavit of Robert Feix they may do so by contacting the Dachau authorities.

MR. SMITH: Mr. President, I thank the prosecutor that now I know where Dr. Feix is. If I had known that eight weeks ago I would have in the meantime been able to get an affidavit because I have been in Dachau a few times in between, and I would have been able to speak to Feix there, but at any rate I am satisfied. I know it now at last, I thank you.

MR. PROSECUTOR: Well, counsel, if at times counsel finds it difficult to maintain the address of witnesses in any such situation as that and if

request is made to the Tribunal, the Tribunal would make some investigation concerning the matter and ascertain what the situation is, and whether the witness is available, and so forth.

DR. SUTHER: I thank you, Mr. President. My colleague Weissgarber and I inquired repeatedly of the General Secretary's office because on such matters we naturally always go first to the General Secretary's office, but the address of the witness was unknown there; but now I know Mr. Felix is at Dachen and I can get an affidavit from him, and of course I am not responsible for the delay.

THE PRESIDENT: Of course, I did not mean to imply the Tribunal can find the address of witnesses but if the Defendant's counsel has difficulty in finding them, then the Tribunal would assist in any way possible in ascertaining whether or not the witness is available, no such thing as the answer may be yes and it may be no, but the Tribunal would endeavor to ascertain the necessary information for counsel.

DR. SUTHER: I thank you very much, Mr. President.

Q Witness, in connection with the polygal matter I have a few more questions. The Prosecution has alleged that human experiments were conducted with polygal, and Prosecution has submitted Document 438, Exhibit 240, in Document Book 11, on Blood Coagulation. This document contains a report of the so-called Institute for Military Scientific Research. I repeat, Institute for Military Scientific Research. This Institute was Dr. Rascher. In this report the importance of the drug polygal for the fighting troops and in operations is explained. You recall five operations are described in which polygal was used. Do you recall these five operations which are described?

A Yes. They were published in the *Munchener Medizinische Wochenschrift*.

Q What does this report show for a specialist doctor? Does the doctor get from this report the impression that these were normal operations, where polygal by chance happened to be used, while in other cases some other blood coagulation drug was used? Or does the expert get the impression that the operations were not necessary as such in the interest of the patient, that they were some sort of operation the only purpose of which was to test polygal?

A In these five cases they were certainly not experiments but each doctor can see from the report that these were normal and necessary operations. Accordingly, I had no misgivings and doubts about them and allowed the results of them to be published in the *Munchener Medizinische Wochenschrift*. That that it never occurred to me. The publication, in addition, really had no scientific value. Rascher wanted the results to be made known early so that he could assure himself priority. He feared work was being carried out by other physicians in this field and wanted to anticipate their results.

Q Witness, if one reads this report about the five operations is it true that there were the following five operations: 1) thigh amputation, 2) rectum operation, 3) pneumothorax operation, 4) carbuncle operation, 5) abdominal matter - that is, normal operations that occurred normally. Is that true?

yes, and in some cases the word operation is an exaggeration.

Q Doctor, do you know that any experiments with concentrated typhoid inoculated were conducted with polyoni, no matter what type of experiments were or what the consequences were?

A I know that perfectly normal laboratory experiments were conducted, and the four or five prisoners made themselves available as test witnesses. Hoff here testified, indeed was by no means numerous. These experiments but were normal experiments of the sort that are customary in every laboratory. These so-called experiments were associated with no pain, no discomforts of any sort, and, in my opinion, when one could swallow tablets for months on end without suffering any ill effects the main basis of these tablets was protein.

Q Dr. Blum, you yourself saw an affidavit which I must ask to be your affidavit of 25 October 1946, in Document Book 11 Document 239. In this affidavit of the 25 October 1946 you tell about things which Dr. Rauber reported to you concerning his experiments. This was under 8. Number 9 now has the heading "Experiments on Human Beings". Up to now there was not this heading "Experiments on Human Beings", and the other 9 we suddenly find "Experiments on Human Beings". Some time ago we called that to your attention. What do you have to say about it?

A I know that experiments on human beings had been carried out, because Rauber himself had told me so. He told me about the typhoid vaccine experiments in Buchenwald, and then in connection with Rauber about the so-called freezing experiments in which there was one fatality. In my affidavit when I was asked about this I had to say that I was told the experiments on human beings had been carried out in concentration camps.

Q You recall that on 12 October 1943 a camp doctor of Buchenwald by name Dr. Kahl made a report, which Prosecution submitted as Document 239 of Document Book 11. He reports on a thigh amputation on a prisoner patient. This operation is identical with the first of five operations which Document 438 refers to, and, in this connection the further fact

serves consideration that Obergruppenführer Pohl of the SS in his letter to Rascher of 10 February 1941, Document Book II, page 24, Document 615, Exhibit 246, objects to Rascher's publication of his experiences with Polyval. Can you explain this matter?

A. First I must say that this so-called thigh operation mentioned together with Dr. Kaul's work must be absolutely identical with the thigh amputation that is mentioned among these five operations in the publication of the "Monatsschrift für Medizinische Wissenschaft". So far as Pohl's complaint is concerned, I must say that at this time I was asked and had no misgivings about these matters being published and it was only because I had no misgivings that the letter was published at all.

That Pohl should have objected to this publication I can only explain to myself on the supposition that he knew of previous experiments of a formation nature in Vienna.

Q. Dr. Sigmund, you have already said that the witness Neff testified here that he and four or five other people volunteered for this polyval and that they were only volunteers. Now, I should like to know the following: If polyval is used it can either have an effect or be without effect. Now, this polyval if it is not effective can it endanger the health or can it bring about the death of the person, or is it true, if I as a layman assume, that then polyval is just without any effect. Perhaps, as a doctor, you can explain this matter to us. What effect does polyval have?

A. The only effect that polyval can have is to coagulate blood. Any other effect has never been observed, nor do I believe that any other effect could occur. I have already said that polyval is made of an absolutely unobjectionable base.

Q. Witness, the Defendant Gievers in his affidavit of 26 October 1946, Document Book II, page 6, No. 473, Exhibit 238, said concerning you, "That you, Dr. Sigmund, to his knowledge, were informed of all work, including Dr. Rascher's experiments. That you must have known of them." I do not know how this affidavit was drawn up. I do not know what the Defendant Gievers will

have to say about it, but I should like to hear from you what you have to say about it.

A. I can say that Sievers' statements in this affidavit are partly true. Rascher had been assigned by Himmler to work with me in the field of cancer research, blood coagulation, preparation of canned potatoes, and so forth. Consequently, here too Rascher was under obligation to report to me. There was no mention of any other work by Himmler.

JUDGE SEYMOUR: Dr. Rascher, while the witness is on this question of the number of experiments he had - cancer, blood coagulation, canned potatoes, etc. - will you please have him tell the Tribunal now in detail what experiments he actually worked on, either in collaboration with Rascher, or with Rascher working under him, or with him working under Rascher at Dachau. That is to say, any experiments in which they had any association with each other either at Dachau or elsewhere.

DR. SAUTER: Witness, you have heard this question connected with my previous question. You are asked whether you worked at Dachau, or in any other concentration camps, or anywhere else carried out experiments of the type under consideration here or under Rascher?

JUDGE SEF LUG: Not necessarily this type of experiments, but all experiments of any type that he carried out.

DR. SAUTER:

Q Any kind of experiments together with Rascher, whether together, or as a superior, or as a subordinate, or in any relationship. Please give a clear, frank, honest answer.

A Dr. Rascher really was not subordinate to me in the true sense of the word. Perhaps legal collaboration between us might have developed in the field of cancer research or in this field of developing vegetable growing or in polycythemia coagulation. In these latter fields I am not an expert at all. These things interested me only from the point of view of health and the business of growing potatoes and vegetables interested me from the nutritional point of view. There was no immediate collaboration between me and Rascher in the sense of this question.

Q You say, Doctor, "direct collaboration." What do you mean by that?

A That means that, for example, I did not have anything to do with the laboratory experiments in coagulation. This was purely a Rascher affair. I saw, to be sure, how the people were working there, namely, these volunteers. Sometimes previously to when I saw that these men had swallowed a polycythemia tablet and now, after a certain lapse of time after the polycythemia was taken, the degree of blood coagulation was ascertained. This was done in this way. A cubic centimeter of blood was taken from the veins of these people, these blood samples were put in test tubes and they were then stirred with a glass or steel needle and the length of time was ascertained that it took for the blood to coagulate. These were so-called experiments but this again was not my personal affair.

Q Where were these things done?

A In the Camp Dachau. In the so-called Military Scientific Research

Institute of Rascher.

Q That was in the concentration camp?

A Yes.

Q These experiments with the five volunteers, which apparently included Wolf and his talks about them, did you see that one?

A I saw them once.

Q Frequently?

A Once or twice. It is possible that I saw them twice. I can't say for sure now today.

Q But you did not take any part in the experiments yourself?

A No, indeed.

Q And it seems to me that they were very harmless things. How much blood did these people take?

A They took roughly one cubic centimeter of blood from each other.

Q And now about other experiments together with Rascher - none at all?

A None at all.

EDWARD BRENNAN:

Q Now the witness put his earphones on, will you?

Professor Bloch, the Tribunal has before it Prosecution Document 3546 PS, being Prosecution Exhibit 123, which is Sievers' diary for 1944. Under the date 22 February 1944, between 1430 and 1830 hours appears the notation: "Diary 3, 28 Schriftstufener Dr. Rascher, subtle questions for production of polygal, experiments Professor Bloch." Now, was that discussion in regard to or in connection with the polygal situation which you have just been describing? Answer "yes" or "no."

A Is this a talk between Sievers and myself, may I ask?

Q This is the Sievers' Diary, which is supposed, as I assume, to contain his diary entries for the matters that he is attending to during the day of his work and reportedly made by him during the course of that day, and this is on 22 February 1944.

Perhaps, Dr. Seiler, if you have the German. I'm going to ask about several of these entries and if you will place them all before him I should

... of Mission Treacher, and according to which, for instance, according to Treacher's statement about it I could not have appealed on the behalf of Herr Foix. Namely, I refer to the prohibition of appeal on behalf of so-called "enemies of the people."

Q Very well. Then turn to the list for 25th of February, '900-1520.

A Here in this copy of Silvers' Diary the 25th of February is missing, the 23rd of February is here, then the 26th and the 27th. Let me see if the thing is out of order here. So, everything seems to be in order. 22nd, 23rd - in other words, the 25th isn't in here.

Q So it is outside of the document book.

A Yes. I'll take a look. I am sorry to say that it is not here. Even so I would understand it, however, if it were read to me.

Q Now, Sir:

A 25 February, '900-1520 - Professor Blum, by telephone, advised of work done concerning his work at Dacca, and collaboration with Rascher." Can you tell the Tribunal what that refers to?

A I cannot. This cannot be the special order since that order I understood about appealing on behalf of enemies of the people was issued just after the day before. This can only concern a case research in which Rascher, as I said, was not named. Now Blum is going to put it down in his diary. He is in the book - that, of course, I cannot tell you.

Q Very well.

Q Call me back on 25 February - 515-1700

A Yes, Sir, it is.

Q 25 March: "Elton Johnston Council; Dr. Gross arranged a discussion with Professor Johnston, Professor Blum, Dr. Rascher. Commissioned Dr. Rascher to do research on identification plan documents. Introduction of discussion of 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-12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Official Transcript of the American Military
Tribunal in the Matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nuremberg, Germany, on
19 March 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal I. Military Tribunal I
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants
are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present
in court with the exception of the defendant Oberheuser, absent due to
illness.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in court save the defendant Oberheuser
who is in the hospital and has been excused on account of illness.

Counsel may proceed.

JUST BLOOM - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SAUTER (Counsel for the defendant Bloom):

Q. Please remember that you are still under oath. I have two or
three additional short questions, Dr. Bloom, then I shall have concluded.
Before the conclusion of yesterday's session you were asked about certain
entries in Slevens' diary. On the 26th of April 1944 there is an entry
- this is still Document 3546, Exhibit 123 - and here is an entry which
I should like you to clarify. Under 26 April, 1600 hours to 2000 hours,
"1700, Bloom (by telephone) Reich Chamber of Doctors, Dr. Bloom, continu-
ation of research work with Dr. Rascher, neutron research." Then another
entry, "Professor Bloom (by telephone) 1. Neutron experiments, none yet
Reichsfuehrer-SS requested. 2. Perhaps use of Rascher in
conclusion would first of all require three months bacteriological train-
ing." Can you tell us briefly what this all means?

A. Yes. First, as regards the so-called neutron research: 1944

the Reich Postmaster General told me that the cyclotron being constructed at Dechen would be put at my disposal so that I could use it in my cancer research. For this I needed a trained X-ray specialist and radiologist, viz, an expert. Since I could not have one, at least not through the planning office of the Reich Leader of Health, I turned to Hitler who could not do this either, and because I lacked such a man, and because it took quite a while for this cyclotron to be finished, I never got around to carrying on neutron research, as regards cancer.

Q. Doctor Blum —

A. Let me say that I haven't yet answered the second part of your question. Around this time Hitler asked me whether I could use the work of Rascher. He had been arrested and could no longer work in Dechen. I then answered that at most Rascher could be used as Dr. Gross' collaborator. Since he was not a bacteriologist, he would first need basic bacteriological training. However, the institute was not yet finished. I should have to ask Dr. Gross whether he agreed to have an associate. I certainly myself had no opinion about employing Rascher, nor did Dr. Gross have an opinion, and the question was finally settled by the fact that Rascher was again arrested and not released any more.

Q. Dr. Blum, in the session of 2 January the prosecution declared, "Blum considers experiments on humans illegal," and in connection with this statement they referred to your affidavit of the 25th of October 1946, to be found in Prosecution Document B k 11, on Blood Coagulation, on page 8 of the German text, Document Number 271, Exhibit Number 238. It can be seen from your sworn affidavit that you spoke of efforts that you were making efforts to bring about some legal regulation of the question of experiments on human beings for the period subsequent to the war.

Q. What can you say to this, now that you have heard that from the statement of yours the prosecution has believed that it can draw such a conclusion?

A. At the end of 1940 I spoke with Professor Gorst in Munich, the

known cancer research men, on the question of solving the cancer question. I explained to Borst that in my opinion we would not progress any further in the cancer problem unless we were prepared to carry out experiments on human beings. I justified this in detail and drew up a working hypothesis with which Borst agreed, and he acknowledged it as the only workable plan for the future. He then, however, raised the objection how does that catch your professional ethics. I answered Borst "If I thus succeed in this way in solving the cancer problem only five years earlier, then millions of persons will be spared a painful early death." Gohelorst Borst then said to me, "Dr. Bloch, that is also, to a large degree, medical ethics." From this conversation I came to the conclusion that after the war I should undertake to have legal regulations passed about experiments on human beings in connection with solving the cancer problem, and I spoke to Himmler on this subject. Himmler then expressed his opinion regarding experiments on human beings during the war, namely, for purposes that were of military importance, such as I have already described. Between the experiments for military purposes and the experiments that I intended to carry out after the war to solve the cancer problem, there is to this extent a very great difference, that these cancer research undertakings have never been of military importance. Consequently, my efforts were to have laws passed after the war for military law differs in essential particulars from peacetime law, in my opinion.

Q. Dr. Bloem, to be sure, you yourself did not carry on any experiments and were not actively participating in the carrying out of experiments, however, during the Hitler period you were Deputy Leader of the Reich Chamber of Physicians, consequently, you are able to give partly reliable data on the opinions that were held at that time; now tell me, during your time of office, did any laws either in Germany or outside of Germany become known to you; laws passed regarding experiments on human beings?

A. No such questions were ever asked of the Reich Chamber of Physicians either in peace or in war. Laws for this in Germany are not known to me, aside from Hitler's remarks to me in regard to the carrying out of experiments of military importance during the war. Nor do I know anything positive about laws passed on these matters in foreign countries. In conversations with colleagues, I occasionally heard that America had passed some such law, mainly in the southern states, a law providing that experiments on human beings could be carried out on condemned criminals for scientific purposes, but I have no positive assurance that this is so.

In my opinion, on the question of carrying out experiments on human beings for research purposes and particularly since the beginning of this century, such experiments became very numerous, which can be seen from international medical literature. That is to say, this is more or less a matter of the law of custom, if I can so express myself, which in the course of decades has become part of the usual research practice.

Q. Did the Reich Chamber of Physicians, of which you were the deputy president, either before or during the war, lay down any policy for German physicians, from which the doctors could see what it was permitted for them to undertake on experiments on human beings and what was not permitted; were such policies, or indications of such given to the medical profession?

A. No, I have already said that no such questions were asked of

the Reichs Chamber of Physicians.

Q. Your Honor, I have no further questions.

THE PRESIDENT: Is there any other examination of this witness by any defense counsel?

BY DR. NEUBE:

Q. First, I, taking the place of my colleague Dr. Serravallo, should like to ask a few questions for the defense counsel of Professor Brandt, the witness; Dr. Kliowa's file note, Document 1309, Exhibit of the Prosecution 326, has been the subject of direct interrogation. In this file note it says that General Field Marshal Keitel approved the construction in Muechelstedt, Posen, and that the Reichsfuehrer of the SS and Professor Brandt had provided him considerable assistance. Did you speak to Professor Brandt regarding the purpose of this institute, such as it is here presented, namely to study and to test biological means of warfare?

A. No, I did not speak on this subject with Professor Brandt. Only once, if I remember rightly, at the end of 1942, I telephoned Professor Brandt and asked him to support my construction work in Muechelstedt, which was a cancer institute; I intended to add to this institute an institute for the production of vaccines in general, therefore, I turned to Professor Brandt, because I had found out that he gave expert opinion to Speer's Ministry whether construction was necessary, as approval for the construction of buildings depended on Speer's Ministry.

Q. That is correct, in other words you simply telephoned Professor Brandt and asked him to support your wishes with Speer's Ministry to help you in your construction program; but that does not mean that Professor Brandt knew that this was an institute for the study and the testing out of means of biological warfare?

A. Yes.

Q. Then, Dr. Kliowa further says in this file note that you wanted to propose to Goering and Brandt to dissolve the Blitzableiter Committee

Did you ever either before or after this talk with Kliwa, speak about this work community, Blitzableiter, with Professor Brandt?

A. No, neither with Brandt, nor with Gearing did I speak on this matter, and my research efforts were not receiving the necessary support at that time as I already testified yesterday. It was my intention perhaps to ask Brandt or Gearing, but I thought about it later, and believed that there was no point to it and did not do it.

Q. In your present answer, as well as in yesterday's answers, frequently the concept Blitzableiter work community is associated so closely with Posen that it seemed expedient to go to have it clarified by the following: Did the work community Blitzableiter have anything to do with your institute in Messelstadt near Posen?

A. No, nothing whatsoever. The institute in Posen was a cancer institute in the Reichs Research Council, and was on a quite different level from the Blitzableiter committee, which was purely a military matter.

Q. You know about the Blitzableiter committee since you were a member?

A. Yes.

Q. Then is it correct when I say that the purpose of the Blitzableiter work committee was to discuss measures that might have to be taken as protective measures for the troops and civilian population should bacteriological or biological warfare arise?

A. In part I must answer this question in the affirmative, but I must limit my answer by saying that the Blitzableiter committee was in no position to take protective measures. Protective measures, that might have to be taken were, so far as the troops were concerned, matters that the Army Medical Inspectorate or the Army Veterinary Inspection had to take care of; and for the civilian population, it was the Reich Ministry of the Interior's concern.

Q. And it was for this reason that I said purpose of this work committee was to discuss such measures, to make proposals or coordinate

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as to how the troops and the home country could be protected?

A. To that extent you are correct; yes.

Q. In your affidavit of 25 October 1946, Document 471, Prosecution Exhibit 228, you said the following: "In 1941 Hitler provided further action in the 'Euthanasia' action," and to continue: "In wide medical circles this program was regarded as contrary to general usage and morals, and illegal." Now, that is a rather generalized statement that you make there, and I should be thankful, on Professor Brandt's behalf, if you would say more precisely what you mean by this when you said in "wide medical circles."

A. It was known that those doctors who were particularly religious held the view that the Euthanasia program would need as its basis an openly published law, and if I used the word "wide" in connection with the "wide medical circles" that term should certainly not be concerned with my saying the majority of physicians because that was by no means the case. It is hard to give statistics in this matter, and it is for that reason I used the words "wide medical circles."

Q Would it have been more correct to say "In certain medical circles there were basic objections to this program?"

A That is indubitably true, and I believe that the formulation that you read to me from the affidavit was drawn up by the prosecution rather than by myself, although I am not very sure.

Q In the same affidavit you speak of the conference in Munich in 1940-41 at which Dr. Brack reported on the euthanasia order of Hitler. Dr. Brandt would like to know whether the statement you make in your affidavit, namely, that he, Brandt, had sent Brack as his representative to this conference, is positive knowledge on your part or whether it might not be an error on your part because he himself is of the opinion as far as he remembers that he had not sent Brack.

A Either my memory is faulty or Dr. Conti made an unintentional misstatement having said "Brack" when he meant to say "Bauer." I, of course, can only report on what I remember. So far as I can judge the matter now on the evidence of documents, I think it must have been an error on my part and that the person who did not have been Brack but Bauer.

Q I should like to ask now a few questions in my capacity as prosecutor's counsel. In what sector did the Reich Research Council belong?

A I shall try to answer the question, that is, if I understood your question correctly.

Q I shall be more precise. Did the Reich Research Council belong to the military sector or the civilian sector or to some governmental sector?

A In my opinion, the Reich Research Council was an office that stood between the State and the civilian scholars.

I believe its legal form was that of a corporation, but under no circumstances was the Reich Research Council a Wehrmacht organization.

Q Could State Secretary Conti give you orders regarding research of cancer?

A No. I told you that he tried to once and that I refused to accept them. My plenipotentiary powers in the question of cancer amounted to this: that I could report directly to Goering as President of the Reich Research Council and was immediately subordinate to him, and, consequently, no one else could give me orders.

Q What you just said, is that true also of the other plenipotentiaries of the Reich Research Council in various fields?

A I find from one or two other documents appointing persons to certain offices, I have never seen any of the appointments of the other plenipotentiaries or specialists' leaders, but I assume that I was no exception in this that this was generally valid for all of them. I see no reason for any different assumption.

Q I ask you in consideration of this plenipotentiary power regarding Professor Schariber who was plenipotentiary for research into epidemics, now you would say that Schariber's plenipotentiary powers and his function as a member of the Reich Research Council were the same as yours?

A I think that among these appointments to plenipotentiary power that I saw one of them was Schariber's, but we are given this plenipotentiary power, roughly, at the same time, and I saw this document in the Reich Research Council.

Q At the same time, that is, that you became plenipotentiary for cancer research?

A Yes, that is the way I remember it.

Q And that was roughly, when?

A May 1943.

Q Boreiber's situation was, roughly, similar to yours because he had a double function. On the one hand he was still in the Medical Inspectorate of the Army, and on the other hand he was member of the Reich Research Council for the combatting of epidemics, and for that reason I ask you whether you can confirm to us that Boreiber, on the basis of this plenipotentiary power that he had, was informed of the activity or whether he was neither subordinate to Professor Handloser nor reported to Handloser about his activities, and, in fact, perhaps he was not even permitted to report to him. Is that the way that this should be stated as Boreiber's position?

A Yes, that is correct.

Q Now regarding the question of the Blitzkrieg Committee in supplementation to the questions regarding Professor Brandt, I wanted to ask you who was the chairman of that Blitzkrieg Committee?

A Whether there was an official chairman I can't say for sure, but I can say for sure that the sessions were presided over by Colonel Hirsch.

Q That is correct, Colonel Hirsch of the Ministry, the Ordnance Office of the Army, is that correct?

A Yes -- no, I am not sure whether it was an Army matter or an Ordnance matter.

Q But the abbreviation "Ordnanz" A. does mean Ordnance Office. Now I wanted to ask you whether you know that the actual direction of this Committee was a military matter under the competence of the Ordnance Office and that it was not in the Medical Inspectorate. Do you know about that or don't

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A. I can say for sure that this is not a medical
issue.

Due to the fact that no further questions.

CROSS-SECTIONAL STUDY

Mr. Dr. H. Gaudin: Disgrace for survivors.

Q Dr. Adams, you have known co-Defendant Sievers since about the middle of 1943?

$$A = \begin{pmatrix} 1 & 0 \\ 0 & 1 \end{pmatrix}$$

4. You made his acquaintance when Professor Menzel, who is one of the organizing committee of the Reich Research Councils introduced you to him as his deputy?

100

2. The 1940s and 1950s saw the emergence of the "New Criticism," which emphasized the formal analysis of literature, focusing on the text itself rather than its historical context.

A. Nowitzky, About the same time.

Q Did you also know at that time that the office chief
of the director of the Scientific Department of the Annun-
ciation - I mean, say that of the University of Munich?

22 1 2 3

Did not give a G. to Professor about the the sup-
plier of the G. to the

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Was it the 11th or 12th followed you were to enter
the 11th or for official I-95 some one time or no more?

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I am now put to you Alvers' diary from the year 1944. This is Document No. 1643, Exhibit No. 123 of the Prosecution and is put in evidence in connection with Document No. 5. Lists in paragraph 3 from this diary have been taken from Document No. 1643, entry of 14 April 1944.

7. It appears 1710 persons-1800 total. Cf. Board of Physicians.

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Professor Dr. Schaefer, 1st, from station of Archer's Research
and, also, scientific experiments. This is the press photo
I just sent to you by your counsel. Please look now at
the same, your July 24th.

I only.

2. Next it says "1130 - Professor Blum, telephonically, regarding 1130 - Blum's. Dickerson's opinion is confirmed that not just in alone but all is objective." The entry of the 11 August, 1944, please turn to 1130 - Blum's: "12 - Blum to 1345, the 'House of Doctors', conference with Dr. Blum, Dr. Kay and Dr. Berachers. Discussions of the new working plan and the possibilities of carrying out the necessary completion of the plant at Litzberg."

1:45 to 2:30, talk with Dr. Blum regarding a report to the Reich Minister SS regarding (a) conducting the plant's beetle, (b) conducting insects within German plants, and (c) conducting reports, and (d) Daryl." Then on the 18 of September, 1944 there is an entry and on the 11th of October 1944 which I do not intend to read in detail but which also list a number of points that end up with Blum. Blum's. This diary, which gives the outward impression of an astonishingly exact kind of knowledge, could lead one to the deduction that Sievers had profound scientific knowledge of all the matters that are mentioned in this diary. Now on the basis of what you know of these matters, what can you say regarding whether Sievers really had such a precise knowledge of these matters, and further whether Sievers had anything to do with the scientific side of all of this business, or only with the purely administrative aspect of it?

3. It is very true that it is striking with what accuracy this diary is set down. It includes even short brief telephonic conversations. I believe that this diary was one he was obliged to keep for official reasons, which was then shown to a superior at one time or another, but, of course, I can't say whether that is true. I know it is true for some diaries but I can't tell whether it is for this one. The entries in the diary do not give anything to any particular scientific knowledge, and that can be seen from the fact that relatively frequently the word *untersuchung* is in use, where it should be the word *versuche*, the first word meaning examination and the second meaning experiments, nor was Sievers active in any kind of scientific or technical work of any nature, but purely administrative.

Q. Now in this entry of 11 August, under "D" the word "Meryl" appears. Does this question arises whether Sievers knew at this time what "Meryl" was at all?

A. No, he certainly did not know what it was. That word originated with me.

Q. And if this word "Meryl" appears in the diary, it is simply his notation of a very short conversation?

A. Yes, he probably took down the notes and wrote down the word "Meryl", and he then transferred into the diary.

Q. In the autumn of 1943, you, Hessler and Buscher met in the Field Research Office of Hessler. You testified previously that Buscher at that time mentioned a book on mutant, namely, polyol. Do you know what part Sievers played in this conversation of polyol and what his orders were from Hessler?

A. Yes, Sievers was to make the necessary preparations for producing polyol in quantity.

Q. Then participation of any sort in experiments was nothing with which Sievers was concerned at all?

A. Yes, this was of direct order of Hessler was considered polyol to be extremely important, so that Sievers should do everything to make it possible to produce polyol in great quantities.

Q. Therefore, you mentioned five experiments in which polyol was tested. Do you remember Sievers was present at these operations or whether he was not present at these experiments?

A. That, I cannot say. At least I never heard that Sievers was present at these experiments. I can associate Sievers with this only with the article in the *Klinische Wochenschrift*, and unless I hear from Sievers or you have asked me at that time whether I had any knowledge about this publication, and after I had decided that he was in touch with the editorial staff of the *Klinische Wochenschrift*.

Q. After Sievers decided to give a final opinion whether or not to publish my objection to the publication of this letter, did he do so

In consideration of the scientific contents or because of general consideration of policy and administrative policy?

Q. Administrative policy, no. Siemers told me at that time that every physicist or scientist who belonged to the War Relocation Authority and who intended to publish something of a scientific nature, needed special permission, and for this reason Siemers asked me whether I had any decisions and since I had none, I told him no.

Q. Was this exclusively the formal business of getting approval for publication?

A. Yes, and I believe the same regulations applied to members of the Army, but Professor Shullower could tell you more about that than I can.

Q. Did you ever work with Siemers regarding experiments in cancer research in which, I understand, the development of polynoid?

A. When I was with Siemers in his office, Siemers attended only one thing, and that was to do with Siemers. When I discussed with Siemers the problem in the cancer research, but we came back together, Siemers told me that Professor Shullower was with us in the War Relocation Authority, so that we had a lot of experience in cancer biology. I told him what Siemers told me, that the articles on polynoid in cancer would be used and that they would be published, and that as I remember in this connection, I mentioned to him with Siemers that, regarding experiments in cancer research, I intended to carry out later even as I described this working here.

Q. Besides that, did you on other occasions discuss with Siemers details of your experiments and research work with Siemers?

A. No, our discussions with Siemers were not of a scientific nature. I did not have any administrative connections with Siemers, and he would have had no right to give me any advice on any scientific work to give me any advice.

Q. Did you know whether Siemers was empowered to arrive at independent decisions in his position as Senior Business Manager of the War Relocation Authority, except for purely administrative decisions?

A. I can tell you nothing about Annenbert. I know too little about it and was not a member. In the Reich Research Council where Sievers represented Annenbert I had very little to do with him. Other points of contact were the political training of potatoes and vegetables publications that I have mentioned but I never went to Sievers to get his decision on anything because, in my opinion, he could reach no decision.

Q. His position, both in the Reich Research Council and in the Annenbert under the respective leaders Prof. Annenbert and Wuest - you considered him to be purely subordinate in capacity?

A. Sievers was the subordinate in this case, of course.

Q. No further questions.

BY MR. PROSECUTOR JACK:

Q. Witness, in the affidavit of 25 October 1945, No. 471, Exhibit 228, you mentioned the fact that the Euthanasia program was to be used in the elimination of persons with nervous diseases. Did you understand that to mean insane persons?

A. This terminology originated with the investigating authorities. I believe that I objected to that term at the time but it was told to me that this did mean insane persons.

BY MR. PROSECUTOR JACK: Now your Honor, each and every time the defense, and other defendants, refer to an affidavit secured by the prosecution in which their signature appears, if there exists an ambiguity or an irregularity, it is always the fault of prosecution and I want to impress upon the Tribunal that this particular affidavit was secured from Dr. Blume by myself. I had an interrogation with Dr. Blume, in fact several. As the result thereof I wrote up an affidavit containing important data. I gave it to Dr. Blume and Dr. Blume, being too precise man that he is, found fault with each and every word therein. Therefore, I left him with a stenographer and he dictated to the stenographer an affidavit which was submitted to him and signed same - not in my presence. And, that is Exhibit No. 471.

BY MR. PROSECUTOR JACK: May I offer a comment in this connection?

BY MR. PROSECUTOR JACK: Of course, counsel for prosecution may himself take

you stand in rebuttal and testify any facts which you know.

BY DR. FROESCHMANN:

Q Witness, at any rate today you want to say that the term "Persons with nervous diseases" meant insane persons?

A Yes, that is what I want to say.

Q Now, the second question I want to ask you is this. From the book you wrote and which your counsel put in evidence, I can deduce that basically you approved of the theory of Euthanasia. Is that so?

A Yes.

Q May I then ask you to tell the Court briefly your reasons why you took an affirmative attitude in the question of Euthanasia?

A I believe that the reasons are given briefly and pithily in my book in the excerpts that were here submitted as a document and read yesterday.

Q Witness, this excerpt is here before me but I should like it if it were greater length I could hear your reasons in justification of your attitude regarding Euthanasia.

A Then I must ask you to ask me specific questions.

Q What do you understand by Euthanasia as such?

A Euthanasia is a word with a Greek root and means literally a good and painless death.

Q Witness, do you regard it permissible from the medical point of view in special cases to grant a sick person such a death?

A From the medical and human point of view I do regard that as permissible.

Q Is it not true, witness, that there are conditions of illness in which the wish is expressed strenuously not only by the patient and the patient's relatives but by the physician himself that this suffering man should be relieved of his suffering?

A As regards the sick person and his relatives, yes. A strenuous action on the part of the physician, in my opinion, would signify an active role on the part of the physician. I see the physician's mission primarily towards the patient, that he relieve him if it is possible. And, in

the last analysis, if cure is impossible, if the physician sees that the patient's fate is hopeless, then interference on the part of the physician is permissible, not however as an active volitional expression on his part but rather on the basis of helping the patient by redeeming the patient.

Q If I understood you correctly, witness, then it is your point of view that there are the highest ethical principles that justify this?

A Yes.

Q And those grounds you summarized in the concluding sentences of your book that your defense counsel read here: you said: "I had no alternative but to say that according to law this is forbidden to the doctor, and yet there are cases in which the physician for deeply humane reasons is impelled to go against law."

A I included that last sentence into my testimony intentionally because occasionally such acts have been committed by physicians who have a high ethical standing. If I on the other hand repudiate such an action on my part as illegal, then I do so from a purely external point of view. From the point of view of ethics and morality I am only too ready to say that to those doctors of whom I speak in my book, namely doctors who devote life to the cure of every ill person out of their misery, I can make no moral or ethical objections whatsoever.

Q Witness, you do not object to the fact that they had offended against laws of humanity?

A It is my conviction that the laws of humanity were not offended in any particular way - they have offended against paragraphs in an existing law.

Q I have no further questions.

THE COURT: For Rudolf Brandt:

Q Professor, may I assume that you spoke frequently with Himmler during the last years?

A From late summer of 1943 until September 1944 I saw Himmler five times in total.

Did you ever see Rudolf Brandt present at these meetings?

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A No.

Q Did you know Rudolf Brandt?

A I believe I saw Rudolf Brandt twice during supper and he was sitting somewhere in a corner.

Q Thank you.

BY DR. HALL (Representing Dr. Fritz, Defense Counsel for Defendant Dr. Hans Rose):

Q Witness, did you inform Professor Rose of your plans regarding the Wassermann Institute?

A Professor Rose? No, that has nothing to do with Professor Rose.

Q But it could have been. Did you tell Professor Rose that you had been ordered by Hitler to concern yourself with plague vaccines or with testing of poisons?

A I did not say anything about an order regarding plague vaccines, and I could not have said anything about an order to test poisons because I did not know such an order.

Q Did you talk to Rose about the bacteriological warfare? Did Professor Rose tell you his views regarding this matter?

A As I remember, once I saw Professor Rose, namely, at the Hitler Committee. This was at the time in which reports came in the papers that bubonic plague had broken out in Algeria. This was in 1941. Algeria was the subject of conversation at this session of the Hitler Committee. In former sessions several statements about the danger implicit in the plague had already been made even in the case that the enemy succeeded in spreading the plague in one of the big German cities. Because this theme was already discussed in the papers, Professor Rose wrote an article on the subject in the periodical "Der Kampf".

Q Did Professor Rose refer to biological warfare, from a purely technical point of view, to its utility?

A Professor Rose's attitude was, on the whole, negative as regards the success from bacteriological warfare.

Q Not only in his opinion but, at the same time, he considered, did he not? Criminal towards one's own troops and people?

A I can not remember the detail of all this, because my conversation with Dr. Rose was certainly a confidential one, and in the literature of the situation was that Adolf Hitler's speech opened a session of the Hitler Committee. Hitler's view on biological warfare; namely, that it

should not be prepared for.

1. Professor Brown's attitude toward biological warfare, on the one hand, and the disapproval of bacteriological warfare which he expressed, in the technical print of view as error, is that not so?

A. Yes, you could state it that way like that.

Q. All right, no further question.

THE COURT: That is; there is no further examination of this witness by defense counsel. The prosecution may now call its witness.

CROSS EXAMINATION

BY MR. HADY:

Q. Dr. Brown, during the course of this cross-examination I request that you confine your answers to the question I ask and be very brief. As much as your direct examination has now taken longer than my direct examination I will make an attempt to finish up my cross-examination today. That is, if you will cooperate with me.

A. I will try to do so.

Q. When your political education was interrupted by the last war, you resumed your political studies in 1919, is that correct?

A. Yes.

Q. In the year 1918, what was your political affiliation?

A. In 1919, for the first time, Vladimir Lenin was elected President. Bolsheviks were elected. I was, at the time, for the German Peoples' Party that I remember very precisely. The right was represented by the former Conservative Party, later the German Nationals. Then, there were the so-called parties of the Center, the German Peoples' Party, the Socialists and these had roughly the same political orientation. Then, from the Left, the Social Democrats, Independent Social Democrats, and so on.

Q. All right, Doctor, when did you first become interested in the program of the PARTY in a year?

A. I don't think about it until I set it down in my book. I recall that I was active in the National Workers' Organization at that time and I gave a speech at some conference and then I stated in this speech that I was the

have to reach the point of becoming, on the one hand, Socialists, and, on other hand, we could only be Socialists if we did so on a nationalistic basis. In connection with this, I think this was 1921, and it was at this time I heard for the first time of the NSDAP.

Q That's right. On Page 137 of your book you state that in the summer of 1922 you saw, for the first time, the program of the NSDAP and that, to you, this program seemed to be an ideal solution. Now, did you ever have any intention of participating in these NSDAP activities?

A Yes, it was my firm intention at that time to take part in them. Then, however, this was interrupted by the fact that the Deutsch-Völkische Freiheitspartei (German People's Freedom Party) was founded, as I described in my book. I then joined this party and left it then again in 1923. In 1924, I set up an organization, the Völkische Arbeitsgemeinschaft (German Labor Community) which I entered the Weichsenburg District which I then left. All the dates are in my book and are correct. Then, while I belonged to no party until, on the 1st of July, 1931, I joined NSDAP.

A All right, now, Doctor.

If the Tribunal wishes to adjourn at this time I will be starting another subject.

THE PRESIDENT: The Tribunal will be in recess at this time.

(A recess was taken).

THE MARSHALL: The Tribunal is again in session.

Q. Dr. Blum, is the name Graefe familiar to you?

A. I didn't quite get the name.

Q. Is the name Graefe familiar to you; that is spelled G-r-a-e-f-e?

A. Yes, I know that name.

Q. Who was Graefe?

A. The Graefe I am speaking about was called Albrecht von Graefe, the leader of the German People's Liberal Party.

Q. Did you ever cooperate with Graefe?

A. Up to the time when in 1923 I was excluded from the Party on the basis of a certain demand I made to Graefe.

Q. Now, Graefe worked together with Hitler and Ludendorff, did he not?

A. Yes.

Q. Doctor, were you ever involved in any political trials?

A. I was directly mixed up in a political trial when I was once indicted after the fights at Upper Silesia. The reason for the indictment was the recruitment for formations of a military character which were prohibited. I was presented before a Court at that time and I was then acquitted. Afterward on the basis of the influence of the Red Mecklenburg Government, an appeal was made against that acquittal and a new date was set for my trial before a higher court. However, this trial did not come about since I had applied to call the Reichs President, Dr. Ebert, and the Finance Minister Dr. Gredenhagen to witness. That was not desired for some political reasons, and therefore the proceedings were quashed.

Q. Now, you participated in the so-called Kapp uprising which was aimed at the overthrow of the German Republic, and which did not succeed, didn't you?

A. Yes, I participated in that Kapp-Putsch. I participated as a regular soldier with the Reichswehr. I was a so-called volunteer. A new Government was formed at that time when the Kapp-Putsch broke, and I had no knowledge about their intentions. At that time the Government officially asked for volunteers to join into the Reichswehr. Subsequently all the students of the University of Berlin reported as volunteers, who had been combat soldiers during the war. I can state you did not know the intentions of this Kapp uprising or what

It was for. On page 105 of your book you describe your participation in the so-called Kapp-Putsch, which you state aimed at the overthrow of the German Republic, which did not succeed. You further state the fact you were able to escape the Police who wanted to arrest you for that crime. Now, Doctor, you were somewhat of an organizer in those days, weren't you?

A. No, I certainly was not. I was a simple soldier. I said before that I had no knowledge beforehand about this intended Kapp-Putsch. Afterward's I certainly gained knowledge about the motives which lead to this Putsch, and the aims that were pursued, that was clear, and I wrote about that in my book.

Q. Did you ever organize a regiment to be used in illegal warfare against the Poles in Upper Silesia?

A. No, we were not concerned with any illegal warfare. I organized a regiment which was to be admitted in Upper Silesia, but at that time we were concerned with regular troops of the German Government under the charge of General Goerfer. They fought in Upper Silesia, and the aim was to see that Upper Silesia would not fall over to Poland. At that time civil war fights were occurring between Poles and Germans, and this was done on the Polish side under the command of Gortalski. The German Government called for volunteers at that time, and as it was a case of emergency all former soldiers of the first World War reported for this purpose. The financing and organizing of these troops was done by means of Reich funds which were put at the disposal of Goertel by the Reich Finance Minister Dr. Gumbel. That is the reason why I applied at that time to have Dr. Gumbel as witness in my case. After that the proceedings were quashed.

Q. Now, you state on page 120 of your book that you, Dr. Hilde, assembled a regiment in the illegal nationalist organizations, which waged illegal warfare against the Poles in Upper Silesia. Now, Doctor, in your participation in these activities did you in the meantime flee?

A. In that connection I must say something first before answering the question. I don't think that the words are contained in the book that you have just

asked me to show in the book, so I can look at the passage

of course the passage that you are referring to?

A. I am very sure that about, Doctor.

A. Yes.

Q. It is marked on page 120 in lead pencil, and here it is marked with a black lead pencil with an arrow pointing to it.

A. I read it aloud, and I quote: "For foreign political reasons this recruiting could not be done in public. Part of my friends went into the confidence of Lt. Commander Manfred von Killinger under Corvanti, who were already fighting in upper Silesia." This is what is underlined in black pencil. From that it can be seen clearly that this is not a question of any illegal fight against Poland, but that the local German Reich Government at that time for foreign political reasons did not wish for any public recruitment. The fights which were won by the Germans which were approved and financed by the Reich Government were legal fights where the Polish side, or the Corvanti, as it was stated at that time by the Commissioner of the League of Nations, were warfare of illegal Polish Partisans. They went beyond the ventures that were set out in the Versailles Treaty. The Polish liked to take some more German territory and that is the background of those fights.

Q. Now, Doctor, we will proceed to the next question. I will not quibble with you about the legality or the illegality of that warfare which was in Upper Silesia. Now, did you participate in these political activities in order to aid yourself in the medical profession?

A. No, on the contrary, I participated in these activities since I considered them to be my duty as an old German combat soldier. I wanted to see to it that no parts of Germany would be taken away from them according to the Versailles Treaty and through my participation and organization of these fights, I really had professional disadvantages.

Q. Well, Doctor, as page 181 of your book you stated in substance that for this reason your reputation of a Doctor's title was completely lost. A professor who had understood that for your participation in the year 1919-1920 the reputation of a medical student was completely ruined; wasn't your medical practice and studies incidental to your political and military commitments?

A. No, I can explain that to you very clearly. Even at that time when writing my Doctor's paper, I had already been working at the Hygienic Institute - particularly at the University of Rostock; and it was my intention to write a very good paper. After your activity, when I had to leave Rostock in order not to be persecuted politically, I felt that I had to go to my professor and asked him to correct my work. He said to me that I would not reach such high results and that all I was concerned with was that my Doctor's paper was considered as sufficient. Then, on the basis of your paper, which is quite well known, I was promoted Doctor in a very scientific and fair manner.

Q. Well, now, can you tell us what the official organization was; was it an official organization; what was it?

A. Yes, I can tell you about the Brigade - it was a
free corps, it was a free corps which was commanded by
Captain Ehrhardt composed of former navy, soldiers and off-
icers. For a long time it was used for the maintenance of
order, in order to suppress the threatening Communism. It
was admitted at that time by the Reich's Defense Minister
Frick, then the Brigade Ehrhardt participated in the "Kapp
Putsch". This was a company-financed by the Reich and completely
regular. I did not belong to this company, which I am proud
of, at this time, but I had connections with them.

Q. Were you also a member of the secret anti-Communist
League; what was that organization?

A. Yes, I was a member of the secret anti-Communist League,
the "Organisation Consul" was a continuation on a small scale
of the just mentioned "Brigade Ehrhardt". At that time when
committing the "Kapp Putsch", in order to protect the
government, this free corps, as well as many other free
corps, were promised a reward to volunteers for their ser-
vices and sacrifices by settling out, when this promise for
some reason was later not kept; that probably happened in
connection with the "Kapp Putsch". Then the question arose for
Captain Ehrhardt how he could care for his people who felt
themselves deceived, he went to Berlin and tried to find work
for his former group. This work mainly consisted of their
employment as timber and forest workers. I think at that time
I was also kind of a timber firm and for completely exter-
nal reasons he was spoken to as "O.C." Consul and this is the
reason for the existence of O.C. which means Organisation Con-
sul.

But, I want to emphasize very expressly now, that this Organ-
isation Consul contrary to the old Brigade Ehrhardt, was an
illegal organization and I belong to the O.C. since then.

Q. These organizations were working systematically for the overthrow of the totalitarianistic Government; weren't they?

A. You can hardly say it in that form. Before, here you used the expression against the Republic; now you are saying "nationalistic government and I want to formulate it exactly. These organizations were working for the overthrow of the Government as it existed at that time. For reasons of the general economic collapse which came about because the Weimar constitution did not give us any decent possibility of a democracy, but merely a distorted picture of a democracy; consequently, thirty or forty parties existed in Germany at that time.

Q. Now, your participation in these organizations which were working for the overthrow of the German Republic, were rather sporadic activities for an ambitious young national German man; weren't they?

A. Well, it is not strange at all, but even in the case of an ambitious young national man; in the first instance I was a German man who went out as a soldier of the World War, I could not escape these events in Germany as they prevailed at that time, as it was the case with millions of other Germans but that is the reason why I participated in movements which aim at the overthrow of these inadequate Governments in Germany at that time.

Q Now, Doctor, as I understand it from your book, the first visible sign of progress along the lines of your political leanings was in 1922 upon the foundation of the German Nationalistic Party and its cooperation with Adolf Hitler, is that correct?

A I don't know whether you made a mistake or whether there was a mistake in the translation. You were speaking about the German National Party. Do you mean the German People's Liberal Party?

Q It has been translated for me from your book as the German Nationalistic Party and cooperated with Hitler, and that foundation was in 1922, and you stated that that was the first visible sign of progress along the lines in which you were interested, is that right?

A Yes, that is correct, and that is in accordance with facts as the objective observer sees them. That is how the situation was at that time.

Q You were a native of Mecklenburg, were you?

A Yes. I came from Westphalia. I had been living in Mecklenburg for some time, but I consider that my real home.

Q Now it was the aim to take the electorate Mecklenburg into a nationalistic battle, wasn't it?

A "Bastion" or "fortress" sounds like something military, something combated with arms and force. Naturally it was the aim to bring about a strong point in Mecklenburg of a national character.

Q Now you were also a publisher of a nationalistic newspaper named "Der Stahl", if my pronunciation is correct. That is spelled H-e-i-m-d-a-n-n-e-l, is that right?

A Yes, Heimdall.

Q You didn't have much time for medical work, did you, Doctor?

A Yes, I had much time for that. I was very industrious.

Q Well, now, did you ever participate as a speaker in nationalistic meetings?

A Yes.

Q You also participated as an opposition speaker in Communistic meetings, didn't you?

A Yes.

Q Now, as a matter of fact, you were so busy politically that you and your friends organized protection for these meetings consisting of people from the Brigade Ehrhardt and Rosebach, both of which were secret military organizations, didn't you?

A I didn't receive any personal protection from the Free Corps of Rosebach, but I really had nothing directly to do with that organization. Perhaps in order to hit at the core of your question, and what I am going to say so I think is what you really mean, naturally we protected our meetings at that time. If we as old national men and as decent front soldiers who had a virginal nationalistic opened our mouths during a meeting, and were now at the same time in a position to defend ourselves, we would have been beaten to pieces, by the communist and we certainly had no desire to be beaten to pieces. On the contrary, it was our intention to take up and fight against these people, and we proved that we were able to do that.

Q Now in those early days Hitler's success or failure was of deep concern to you according to your book, is that right?

A Do you mean with that Rapp Putsch of 1923?

Q That's right.

A Yes, I regretted that. I regretted it, and that can be seen in my book. Decent National German politicians and decent German national thinking men had no choice and sacrifice, as resulted. I regretted that as I have always regretted it even later whenever Germans had to beat one another up.

Q Now, Doctor, after Hitler's unsuccessful attempt to overthrow the government, you came to the conclusion, didn't you, that Nationalistic ideas were a problem and that they could not be stopped? Is that what you state in your book?

A Yes. I did feel that in my book, and also I was writing about actually what did in effect. The development as it succeeded later on had to follow that from a legal point of view. That is, not according to the written law, but according to the situation, and according to the unspoken but thousand fold ideologically laws of the development of political groups at that time.

There the intolerance and suppression was the highest principle of a Government system, and that was the case at that time. Perhaps you will be speaking about later times, and there again I shall prove to you the same thing.

Q Well, Doctor, how do you account for the fact that your illegal units did not participate in Hitler's attempt to overthrow the German Government?

A Do you mean the 9th of November 1933?

Q That is what I mean.

A That is very simple to explain. At that time I received no information about that Putsch. If I had received information in time in the morning of the 9th of November at eight or nine o'clock in the morning the Putsch will start, then I certainly wouldn't have participated in that Putsch. That is a sure thing. I have nothing to keep quiet about in that connection. That is how the situation was at that time and today I confess to that honestly, and just as I am saying it here today, it is written in my book which is public.

Q Well, now, have you ever been a political candidate, Doctor?

A Yes. You mean parliamentary candidate?

Q Yes.

A Yes.

Q You became in February, '34, a member of the Rocklandburg County Legislature, didn't you?

A Yes.

Q You were a member of a National Workers Community, is that it?

A Yes, National Workers Community.

Q That caused you to become a politician Doctor?

A The reason is very clear, and I think I am quite able to explain it clearly. Up to 1933 I had belonged to the German National Liberty Party under Graefe. Graefe had close connections with Hitler and Ludendorff.

In the year of 1923 I left that Party because demands were made which I
thought of a feeling of faith could not fulfill. Then in February 1924,
the elections for the Mecklenburg Diet came up. Since I had a number
of followers in Mecklenburg, I had to fear that the votes of these
followers would be lost. The result would have been yet another Red
Government in Mecklenburg ruled by Communists and Social Democrats. It
was not my desire to bring about a victory of the Red Parties by leaving
the German Fatherland Party. Consequently, in order to see to it
that these votes were given to a proper party, I decided to find a new
Party which bore the name National Workers Community. I received four
seats in the Mecklenburg Diet with this Party, and these seats in the
diet reaffirmed the National majority in Mecklenburg. We got a
National Government in Mecklenburg. Which we did not have care about if
I had voted differently at that time.

Q. Now on page 179 of your book, Doctor, I note with interest that
you state that you became a politician as you, being an old fighting
soldier, felt the shame of Versailles. Isn't that the same reason that
George Meade, or Lincoln?

A. It was by the same reason. I didn't discuss this question at the
time. At that time, it would be wrong of me to speak here today
to say that I did not feel that Versailles was a shame for the
German people. This point of view was represented by the majority
of German people, and I also represented that point of view.

Q. It's all right. You also felt the shame of Versailles,
Doctor. When did you become a member of the K.P., Doctor?

A. On the first of July, 1921.

Q Now, from your book I gather that the reason why you became a member of the SA was that you wanted more and more to be active in the political fight between national socialism and communism, is that right?

A Yes, that is correct, for the development of affairs in Germany were coming to a head with an enormous speed and were leading to a dispute between the two extremes. These extremes were communism and national socialism on the other hand. At that time, as I believe I already stated here in Court, I considered for a long time whether to become a national socialist or a communist. The deeper reason I didn't become a communist at that time was because of the dictatorship of Soviet Russia, the form of government of Soviet Russia.

Q Now you became a Gauleiter, that is a doctor for the SA and the SA doctor, that was your title or rank?

A Yes, that was a designation which I later changed to upper Gauleiter. This comprised the SA members in the SA, you call the SA the SA and the Gauleiter at that time and that was the title for the doctors, the Gauleiter.

Q Your last rank which you received in 1941, was that of Oberführer or General Gauleiter, I understand the title to be, is that right?

A Yes, that was the rank which I received in 1941 was called Oberführer, corresponding to the SA.

Q Did you actively participate in the functions of the SA?

A I participated actively in the SA up to the year 1935. I then left the active SA service.

Q I noted on page 43 of your book you state that from 1936 on you marched regularly with the SA. You were pretty active in those days, weren't you?

A Perhaps you want to reply to that question. You put it

question if I am not mistaken.

Q. All right, now, and I will ask you to answer the question.

A. All right, now, the first and discussion circle within the national medical association, that is the Vocational School Circle, were I say discussion. I will spell that for you, if necessary. V-o-c-a-t-i-o-n-a-l-s-c-h-o-o-l and s-c-h-o-o-l-s-c-h-o-o-l, and the other I say, "School". (you formed) discussion circle. When did you form the circle?

A. I don't know when I formed any discussion group which I am supposed to have formed. I know very well that these papers were in my own room when I had my very own private practice, and that the doctors who were sitting outside were always wanting to see a doctor for me, and that I was glad to be my political opponent, but I knew nothing about the group. Perhaps it is a mistake in the transaction.

Q. Now, I will ask you. Did you organize the medical service of the city?

A. I organized the medical service of the city in connection with, not for the nation. I was not competent to do that.

Q. Now, I will ask you. Did you organize the medical service of the city and part in the organizing of the city on the basis of how many doctors which were in the city for the armed forces. Did you state it was only for Loudoun County for which you organized the medical units, is that right?

A. Yes, that is correct. In the case of the description we were concerned with the fact that up of Loudoun County, the University City of Loudoun. This medical unit was organized in exactly the same way as the medical unit of the army at that time, according to the same regulations.

Q. You mentioned to be a member of the medical unit of the army, is that correct?

ing in Brunswick and I had just started in the morning.
That was a short time ago and I can tell you that in civilian
clothes I went as far as the back frontier. When we
arrived at the Brunswick frontier, we stopped and I
went into a ditch and took off our civilian clothes and put
on the SA uniforms. These were conditions as they prevailed
in Germany at that time.

Q You also attended many mass meetings for Adolf Hitler, didn't you?

A In the year 1932 I participated in all meetings of
Hitler in Brunswick, the ones which he held in connection
with the SA. I also participated in these matters.

Q I notice now in the book that you are on page 137 of
your book, it gives your name as very prominent in the
poster for the meeting for Adolf Hitler. Is that the type
of meeting you attended, is it?

A I believe he is not quite concerned with the meeting
of Adolf Hitler. I think that this is a meeting of the
National Socialist German Workers' Party, but I am not
speaking on the occasion of the Nationalist meeting. I am
talking about the meeting.

Q Now do you account for the bold type, the name,
Adolf Hitler, as appearing on the poster, doesn't it
appear there?

A Yes I saw it somewhere, I saw the book?

Q The book is a book titled "Hitler"?

Q I continue?

A I say, Adolf Hitler, as it is written.

Q No, Hitler, wasn't that? I don't want to repeat
this poster very shortly. It says: Adolf Hitler.
The SA is the SA of millions. He is the

sloping under which the machine was carried. The machine was mentioned as spectators, the name of Gierke of a German of blood in Hestock.

You were most interested with Miller, didn't you, when he appeared in Hestock, and gave a speech about?

A Yes, I was.

Q You had a favorable impression of Gierke the time you heard his speech too, didn't you?

A Yes, Gierke wasn't an unknown personality in the least. I had heard from the old world of, though not personally. I had seen him in a film to which Gierke was shot down in a film. He was a very exact and skillful soldier. I was full of sympathy towards him and his lot, and that is a matter, of course, that is true of every country in the world.

Q Now on page 159 of your book Gierke is saying: "National Socialism is a great evil. It will fall. And you further indicated you were very satisfied that you had the feeling Gierke was a man who would never be lost. You felt Gierke was the right man for the job, didn't you?"

A Indeed so. I think nothing was incorrect in translation. And didn't you see the beginning of your question. I answered the last of your question and repeat the beginning.

Q I said, in your book you wrote and quoted Gierke as saying: "National Socialism is a great evil. It will fall. And you further indicated in that same section of your book you were very satisfied with Gierke, that you had the feeling Gierke was a man who would never be lost. Therefore, you felt that Gierke was the right man for the job, didn't you?"

A So, this description is not quite true. Maybe it is due to the translation. I will explain it. But I mean to say, or rather I don't want to say in my book, that National Socialism would deal with people who had committed a high treason, that Goering is the right man, and that Russia would fall.

Q Just a moment, Doctor. I will have you read the section from your book. It is marked in red pencil.

A. Yes, why don't you read that. Yes. Why I read it was because I had
from that paragraph. I quote: "In Garmisch I saw Hermann Goering for the
the first time as a speaker. It was said about him that he was a
national politician but to hear it was quickly dealt with. He
had committed high treason and that his head would fall. After having
heard him speak, we were extremely satisfied for we had the assurance
that here was a man who would never fail." In that connection I want
to say the following: to say that people who had committed treason
against the fatherland, and not only that but had committed high treason, men
who had committed treason against the fatherland, and that they were
people who had committed treason at a high level. The fact that a man
who committed treason against his country would live in a country where in
every civilized country in the world is a well known fact. A country
can tolerate a man who has committed treason against his country. That is the
most shameful crime."

Q. Now, doctor, in the course of the direct examination
stated that the report didn't include any references to you. Is it
in your book was because of the fact that you were definitely not
to it. Now, I am asking you were not interested in preparations being
made by the Reich to prepare for war?

A. I have no doubt that any to prepare for war on the part of
Hitler or Germany. Consequently, I was not in a position to be interested.

Q. Did you at any time have a secret order of Germany?

A. Did you mean whether I was interested in the secret order
of Germany?

Q. That's right.

A. I wasn't in a position to discuss of any arms. I naturally
could participate in no secret order of Germany.

Q. Did you ever receive funds to equip illegal medical units?

A. Illegal medical units? And what? Oh, yes, I know of it.

Q. Yes. What you probably mean is the setting up of the medical
unit in Berlin which I had mentioned before, the German unit was
equipped in the secret order of Germany of Reichswater at that time.

That in effect happened but that was not very publicly. Training took place in public, the equipment was bought at official German stores. The money came from funds of the German Red Cross at Mooklenburg.

Q Now, doctor, did you ever give lectures about war surgery, gas poisons, and medical tactics in those early days?

A Yes, in the first medical education, that is to say the 1933 physicians, wanted to work in Mooklenburg. They participated in a course which I activated in the year 1933 or 1934 which was set up for the purpose of giving these physicians old medical technical knowledge, as well as other medical knowledge necessary in case of a war. At that time there was only a duty for military description in Germany but we were still in a first degree. The National Socialist State of us was very little known in the world. One could indirectly interpret the foreign press as expressing war to us. We all expected that at any or later a country would find it necessary to start war with us. Since we saw the situation in that light we were generally alarmed. Germany was placed into the defense situation and I was naturally also in the military service. The entire German population at that time was well satisfied with this new order and also with these measures of recruitment and the soldiers themselves recommended by them. That, on the other hand, was nothing at all to do with what you mean and if I tried to get to the core of your question, namely that I or generally the German people, took up a war medical education it would receive the opportunity to set up fighting forces because we knew something about the military situation. As to that, I can assure you on my oath that if we as the German people saw at that time that these preparations were going to serve as a defense force I think that Hitler's days, I am sure, would have been numbered at that time.

Q Well, now, on page 205 you spoke about your participation in secret training of Germany. In fact you mentioned that you received amounts of money for the equipment of medical units, for the training of war surgery, gas poisons, and medical tactics. That is stated in the indictment. I wish you will read that aloud to the Tribunal. Read slowly at the

interpreter can follow. At the top of the page.

A Yes. I would like to. I would now begin to read the plan, namely to set up a medical bureau which was started in 1932 and equip it just as a regular company of Reichswacht. When Germany had not yet regained its military liberty, had no choice but to work quietly for the emergency of a new and again threatened war, we had to do it. The medical Service of the Reichswacht was used as a cover, as it was defined by the Versailles Treaty certainly could not suffice as it was every reserve was welcome. I succeeded to obtain a large sum of money and with that got the complete equipment necessary for a medical company. The physicians very anxiously worked for the war time equipment of this medical company. In the war time we have been in a position to give to the Government a complete medical company and also the entirely at their disposal. This company which has been established here originated from the German Red Cross at Luckenburgh which was used for medical purposes. Now, if I read it at it will show, I will read it and black soldiers - the soldiers of Germany as well as the soldiers of their moments.

Q Isn't there another question in that same paragraph which we finish up this question, doctor? Isn't there one more question which is at the page that I have marked with red pencil? Will you read that also? I am going that page over to the next page, I did you read that, too, doctor?

A Yes, that is the continuation of what I have just read.

Q This is the momentary break in point, your Honor, I am going on to another subject.

THE COURT: The testimony will be in recess until 1930.

(In German - [unintelligible])

LETTER ON SESSION

THE MARSHAL: Persons in the court room will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: Counsel may proceed.

MUST BEGINS -- Resumed

CROSS EX. KATIE H -- Continued

BY MR. KELLY:

Q At the main recess, Doctor, I inquired as to whether or not you had read the last section of that particular subject concerning the lectures at the university, the University of Bonn, and so forth, and my colleague, Dr. Hochstadt, informed me that you have not. So, at this time, I'm going to ask that you will read this last paragraph which I have now marked in blue ink. It was from the 25th, Doctor.

A I stated: "I, as a former officer, was interested in the military training of the SS Doctors. Under an agreement with the Commander of the Reichs-Flakwehr, Lieutenant Colonel von T., I offered over one hundred SS Doctors to come to Rastock for a while work. Everyone wore a uniform as they did during time of combat, at their own expense. The courses took place in the University clinic. From military surgery to the combatting of epidemics from gas poisoning to the tactics of medicine in general. Everything was discussed here. Military exercises were the conclusion, which took place in the neighborhood of Rastock with SS, in which SS, the Battalion physician, who was a friend of mine, took part."

Q Now, here in your book, Doctor, you state that you received funds to build up medical units; that you participated in this secret army and you gave these lectures. Now, is it my understanding that your purpose in doing all this was to prepare for an event whereby another country might attack Germany?

A Yes, that is clearly to be seen from the previous citation from this book in which it was actually set down in writing that our measures were taken to prepare for an event whereby another country might attack Germany.

Q. What were your ideas about racial lines, Doctor?

A. Could I ask you please to ask me individual questions in this matter. I believe to do otherwise it might take too long.

Q. Well, we'll get to the core quickly, Doctor. You were decidedly anti-Semitic, weren't you?

A. Let me ask what you understand "anti-Semitism" to be so that I can correctly answer the question?

Q. What you were in favor of any program instituted against the Jews.

A. I will endeavor to understand your question correctly and to also endeavor to keep my answer brief.

In the National Socialist program there is one point that regulates the racial question. I, myself, have concerned myself with the racial question since the conclusion of the First World War, and I can now only honestly say the following. After the First World War I took a position against the extreme degree to which the Jewish population tried to participate in German life as a whole. I saw this extreme attitude manifested in the following. Beginning with the very first Soldiers' Councils there was hardly one in which there was not a Jew as a member. In the Revolution at that time the Jew took a leading and decisive role. In the reconstruction of the State that I followed, again the Jew took a prominent part. In the entire political life of the Nation, in the economic life, in the financial world, in science, and in the cultural life and in the arts, a great number of the leading positions were occupied by Jews. This participation of the Jews, at that time, did not, to any degree, correspond to the proportion of Jews in the total German population. Nor was it ever my point of view that, for example, the Jewish participation in leading positions — in all these various positions that I just mentioned — should be regulated in accordance with the percentage of Jews in the total population. However, in Germany, the development was such that we could list numbers such as were also listed in England — numbers relative to the intellectual life and to the position that was occupied in the free professions. Perhaps, if you will let me have my

Wait for a moment, I can read these numbers out to you.

Q. Don't bother, Doctor. Continue.

A. Yes. In the company of many others I saw this development as an extreme attitude on the part of the Jews which I thought should be legally regulated the way any extreme position must be regulated. The reaction against this took place in political life and always does take place. The penetration of the Jews into all leading positions was interrupted by the advent of National Socialism. National Socialism — at this I must mention more — like what I said is a very comprehensible — was a stupid way, complicated and it, in its turn, behaved as extremely as the Jews had previously behaved extremely.

After this identification I mention what should take place in politics and in the nation as a whole, of course it had to happen that the extreme behavior of the anti-semitic socialist must in its turn arouse an extreme reaction by the previous extreme behavior of the Jews and this reaction actually did become formulated as law, namely with consequences that could not be far seen and which I will refrain from describing here but which everyone in this respect will find with. My attitude toward the persecution of Jews in Germany did not rest in any way on feelings of personal hatred toward the individual Jew. I had many good friends among Jewish colleagues to all whom it appeared that what I saw in the world after National Socialism came in, I believed. If I had known that the Prosecution would take up this charge I could have provided myself with affidavits that would have exonerated me of any feeling of hatred toward the Jews. I can assert about myself, justly, that I did not have the feeling of hatred toward all, not toward groups of people and not toward individual persons. The word, hatred, is a word that does not exist in my dictionary. My purely objective observations were supplemented by studies of purely scientific nature and for this I should like to express myself briefly and refer to the father of race hygiene, the Dr. Henslow, Francis Galton, who lived from 1822 to 1911, and who is known in the whole world in the order of respect into the ranks of scientists. He is really a pioneer of the scientific world and was joined by well known scientists. I mention this because I want to make the scientific responsibility for what I have said in regard to this is a historical responsibility and I just utilize, in the interest of truth, in German.....

I have no personal quarrels now with his historical book and of his scientific method. I will not ask questions in your regard as to his work or his character. Now I am on page 25 of your article which is perhaps your first contact in connection with the Jews, in which you do not know, being that in the lands of the Jews, that is Carthage, there was, at least some civilization in the past, granted that it was not so advanced as yours - rather far inferior to yours. The word is used here of a kind that the Jews brought about a civilization?

Court I

Q. That is right.

A. Your racial hatred, as I will tell you very clearly, it isn't the same as the hatred of the Jews; you didn't have to look up for the Jews, did you?

Q. The Jewish question is not a racial question. In the Third Reich it is a question not only of Jews, but also of the other races. The Jewish question was not a racial question in any sense, but the question was just about the Jewish question, as it can be seen from the Jewish literature, the fact that it was not a racial question under Jewish leadership, but the question was about the Jewish question as a people, not as old Jewish customs. That is a historical fact.

Q. Now, Doctor, what was Indischer's statement about?

A. Indischer's statement was that he was a political agitator or agitator who was actually took a point of view against the Jewish people, publicly.

Q. He said that was his point of view, didn't he?

A. Yes.

Q. And he also said that he was a political agitator, didn't he? Indischer's statement was that he was a political agitator, didn't he? Indischer's statement was that he was a political agitator, didn't he?

A. I didn't speak of my racial hatred, did I? That was not a racial question. It was a question of the Jewish people, as it can be seen from the Jewish literature, the fact that it was not a racial question under Jewish leadership, but the question was about the Jewish question as a people, not as old Jewish customs. That is a historical fact.

Q. What is your reason for not opposing to the Jewish people?

A. I didn't speak of my racial hatred, did I? That was not a racial question. It was a question of the Jewish people, as it can be seen from the Jewish literature, the fact that it was not a racial question under Jewish leadership, but the question was about the Jewish question as a people, not as old Jewish customs. That is a historical fact.

in question, that the competent organizations of the party carried out the law. So, in my opinion, after the Ministry of the Interior had passed certain laws, the implemental authority could only be the Reich Chamber of Physicians, or the Reichsarztbefehlshaber or Dr. Goetze, those were the channels as laid down by law and I cannot think of any other feasible way.

Q Well, then, the execution or the administrative handling, whatever you may call it, of those restrictions which were placed on Jewish physicians and handled by Goette's office in his position as Reichsarztbefehlshaber; wasn't it?

A Would you please repeat the question, I did not quite understand it?

Q I stated that the execution and administrative handling of the particular restrictions placed on Jewish physicians was handled by the office of the Reichsarztbefehlshaber; is that right?

A No, not by the office of the Reichsarztbefehlshaber, but by the Reichs Physicians Leader, who in turn discussed this question with Dr. Goetze, the head of the German Insurance Company and then settled this matter with him. Afterwards he put on me some of my accomplishments before the accomplished fact, but had I been asked before, I am sure I would have changed a number of things, but I don't think it is a question of doubts here what I would have done.

Q Now, Doctor, this particular program against Jewish physicians, which I will omit or accept as the result of the testimony of your witness, originated in the Ministry of the Interior and the execution of plans thereof was handled by Goette's office in his capacity as Reichsarztbefehlshaber; now, isn't it ridiculous to say that a man like yourself, who has exhibited such a keen interest in this racial program, that you did not concern yourself with the planned treatment of Jewish physicians?

A. No, it is not ridiculous at all, as you like to say. You say that it is, but had you known the situation as it existed with us, I am sure that you wouldn't consider it ridiculous at all. This is how it was: whenever any question regarding the settlement of Jewish physicians came up, the question of social insurance had to play a role. Every German who in any way was employed and who couldn't dispose of a large amount of money was of necessity a member of a social insurance association, quite independent of whether he was a Jew or a non-Jew, a native or a Japanese. In order to safeguard this social insurance, we had the social insurance companies in Germany of which Ben Conti, and whose legal deputy in this sphere was Dr. Grothe, was in connection with this activity of settling the problem of Jewish physicians, the settlement of the social insurance activity for the benefit of Jewish patients had to be discussed of necessity at the same time. I was not at all surprised that Dr. Grothe was commissioned with doing the kind of work, who was the expert in that matter.

Q. Now, Dr. Bloch, according to your own testimony, you were active in the SA until 1936, is that right?

A. Yes, after 1936.

Q. Now you formed these various political units of the SA only in the vicinity of Weidenburg, is that right?

A. Weidenburg, yes. That's right.

Q. You had nothing to do with the overall formation of political units for the SA, is that right?

A. No. In the year of 1935 to 1936, approximately over a year, I had been the group director of the area Berlin-Brandenburg. I then resigned my office.

Q. Now, to you —

A. But there I already found organizations that had already been set up.

Q. All, now, do you recall the testimony of Professor Leirandt which is on page 1973 of the official transcript wherein Professor Leirandt

said that on the 1st of April, 1933, he unfortunately was obliged to experience the greatest disgrace of the medical profession, in that he saw his Jewish colleagues pulled out of their beds in the morning and mistreated by other medical men. The medical men were in SA uniforms, weren't they?

A. I heard that here. I heard this expressed by Mr. Leibbrandt, and if Mr. Leibbrandt testifies that under oath, I have no reason to doubt the correctness of that testimony. In that connection I can tell you that in the year of 1933 when this happened I was living in Rostock and not in Berlin and I can only state in that connection that in Mecklenburg no Jewish physician was taken out of his bed or in any way mistreated. At no time did I hear of it and certainly didn't cause any such action.

Q. In 1936 you left your position in the Red Cross, and at that time you were selected as the Chief of the Fuehrer School of German Physicians at Altresse and Mecklenburg, is that right?

A. No, not in that form. At first I didn't voluntarily leave the German Red Cross as I already said. Because of my —

Q. Just a moment.

A. — practice I left the Red Cross.

Q. Just a moment, Doctor. Let's not quibble over words now. In 1936 that is when you were selected as Chief of the German Physicians School Altresse in Mecklenburg, is that right?

A. No, that is not right. I was never the Chief of the Fuehrer School at Altresse. The leader of that Fuehrer School was Dr. Deuschel.

Q. What was your position in the Fuehrer School at Altresse?

A. I had no position at all in the Fuehrer School of Altresse. In the framework of my entire tasks taking care of medical training and education Altresse was subordinate to me. It belonged to one of the organizations which was connected with the medical training and education.

Q. That is this school that you were Chief of that you mentioned on direct examination at Altresse?

A. I don't think I mentioned anything like that, and I certainly was not Chief of any school.

Q Do you mean to tell me on direct examination you didn't mention school in Altrose for young physicians of which you stated that only a small amount of the doctors went and not one of these defendants ever attended?

A During my direct examination I stated that Altrose was under my charge. During my direct examination I stated that I was the only man responsible for the education, since Dr. Minor is dead, and I furthermore stated that I fully bear that responsibility since whatever was taught and presented at Altrose was completely decent, orderly and medically ethical so that it need fear no attack from anywhere in medicine, etc. that is what I said about this Fuehrer School in Altrose.

Q Well, all right, didn't you state in direct examination that the post-graduate study for physicians, that that duty was assigned to you by Warner to control that educational group, and then you at great length mentioned the school at Altrose?

A Perhaps I could point out an error on your part. You are adding two fundamental things. I was responsible for the German medical education which was given over to the German physicians as part of their duty on the basis of the law of 1935 by the Reich Chamber of Physicians. According to that law, every physician in Germany apart from certain exemptions had to undergo a period of three weeks medical training every 5 years, and the Reich Chamber of Physicians bore the cost of that training.

Q Wait --

A That was the duty for five years. That had nothing to do with Altrose. This training was carried on at universities, at various large general hospitals, hospitals of the various religious missions, Evangelical missions, Catholic missions. At any rate, it was carried on in such hospitals which had good teaching material and also teachers. That had nothing whatever to do with Altrose. That was the duty.

Q All right, what was the school at Altrose?

A The school at Altrose was a health political training course, medical political training course for the so-called medical Fuehrers and the medical Fuehrer reserve. Furthermore, dentists were trained there, pharmacists and midwives.

Q Who had control over that school?

A The direct superior of the school was Dr. Reiser, and the supervision was exercised by me, and I also had to bear responsibility for the school.

Q Well, now, they the Fuehrer School of German Physicians at Altra in Mecklenburg was your responsibility?

A Yes, that is what I said on direct examination, but I may correct one other thing which you mentioned in your question. The participation in the so-called courses at Altra where at the most one hundred twenty-eight people participated was completely voluntary.

Q I will not do that, Doctor. I will get to that. You wait till I ask you that question. Now Dr. Reiser gave you this job as supervisor of school at Altra, is that right?

A If I had been the supervisory leader at Altra, I would have had to be stationed there. For that purpose we had appointed a head for that school. Altra belonged within my entire sphere of activities. I didn't live at Altra. I held lectures there quite frequently.

Q Well, now then to clear a point up, it seems to concern you now that the Prosecution contends that attendance in this school at Altra was compulsory. Now you will recall that the Prosecution's witness, Professor Leibbrandt, testified that he was not sure whether or not this training was compulsory, as he stated in fact that a number of young physicians whom he asked about that matter had told him that they were not in attendance at your school. Now, then, to clear a point up, you mentioned this post-graduate study of all doctors which did not take place at Altra. Was that compulsory? This post-graduate study of all doctors in Germany that you mentioned earlier and you say is not to be confused with the courses given at Altra, was that a compulsory course?

A Yes.

Q I see. Well, then did the medical students in attendance at the school of Altra have to belong to Party organizations?

A No. Medical students participated in the courses of Altres. The were young physicians who had just about completed their study. These were courses for the benefit of students.

Q All right, Doctor, when — did your medical men — did they have these young medical men in attendance at the school, have to belong to any Party organizations?

A No, that was not necessary.

Q Well, isn't it true that if they didn't belong to the Party organizations or to the National Socialistic League of Students or Physicians that they were considered as suspects, and that if a student belonged to no organization whatsoever and then had the intention to take the State examination he had no other alternative but to join some Party organization? Did he?

A. I should like to answer that what Professor Liebrandt also said in that matter: when Professor Liebrandt was asked whether he deemed it possible that the attendance at Altrose was not compulsory, and that many more physicians had reported at that school than could be accepted there, Professor Liebrandt, according to my recollection, answered the following: I believe that the young person tried to get opportunities to progress, and in effect it was true that nearly all medical students in some way or other, tried to join a national socialist formation. There were very few who were not a member of one such organization. I think you could count them on your fingers.

Q. How many young German doctors went through these courses, sponsored by this educational system under your jurisdiction, that is, how many men did you have in attendance at Altrose?

A. Well, as you are expressing the question in the latter part, you were correct. You asked how many actually visited Altrose, but before that you were speaking about the educational system. I am rather surprised at that, because you had made similar mention before, education, sports, etc., which would have meant a military organizational character. That wasn't the question at all. These young people there weren't educated but they merely attended such courses and lectures in order to gain knowledge for the University. You couldn't give them on the basis of their curriculum, namely, about general subjects and official questions as they related to medicine. As to the amount of young physicians who attended this school, I think I can tell that for you. According to my memory the school was completed around 1935, and I don't think any young physicians were in attendance then. Then courses started for dentists, older physicians, midwives and pharmacists, which all together amounted to about five to six courses. Even if you think that there were approximately six courses, numbering 120 men each, you would have roughly 750 men per year. Now thinking of the year 1936, 1937 and 1938 and then only part of 1939 - 1939 was completely, because the war started the last of September, 1939, approximately you could arrive at a figure of the amount of people who attended, and that passed through Altrose. We really couldn't accommodate

all who wanted to come because of so many reasons.

Q I understand that. Now, doctor, you have stated just what I have been waiting for; the purpose of this Buchrer school at Altrose, was to complete and round out the young doctors' education, to furnish what was necessary considering he did not receive that in medical school. Now you stated in an interrogation, among other subjects, not here on direct examination, but in a previous interrogation, that among other subjects, you were also in charge of instructing young German doctors in political orientation. What exactly did you teach them in Altrose in the line of political orientation?

A. This political orientation is public health orientation, and it is quite clear that I preached no opposition to the national socialist regime, that is quite obvious because at the time, I myself was a convinced nation socialist, and there was no reason to hide my convictions in the least.

Q Well, did that political orientation include the points of view which you so eloquently expressed in your book?

A. May I perhaps ask you what points of view you are referring to, because I am sure there are a few hundred different points mentioned in my book.

Q Well, for instance, what did you say in your lectures about the life worthiness of individuals as applied to individuals of specific national or racial groups? Did you mention that at all?

A. The question seems to me so important and I would ask you to repeat that question once more in order to avoid any misunderstanding.

Q In your lectures at Altrose, did you concern yourself with the life worthiness of individuals as applied to individuals of specific national or racial groups?

A. One word was translated as individual life value. I don't think it quite correct, that is something that doesn't lend a correct sense to the entire question.

Q Did you draw any racial lines in the course of your lectures at the school in Altrose?

A. With reference to the lectures that concerned the field of racial

medical sciences and questions of heritage which were pursued on a completely scientific basis, we had a special professor who had a heritage research institute, and at this department which had international characteristics it reached as far as America, this professor held purely scientific lectures in field of racial hygiene and heritage questions, as you could find it all in the world in all languages. He held these lectures on a very objective and factual basis.

Q Well, Doctor, to what extent did you stress hereditary determinations?

A Excuse me, I can't quite understand the question.

Q Well, Sir - I will rephrase it, Doctor, in another manner. We will get to the core quickly, and do away with this subject.

Q To what extent were your teachings responsible for the thwarting and distortion of gifted young German physicians, who without proper guidance performed the evil deeds which we have heard in this court room, and the horrific deaths of Dr. Rascher and Dr. Ding-Schneider?

A The translation did not come through very well, but I believe that I understood the sense of your question. I had already stated before during my direct examination that this chapter concerning experiments on human beings was never dealt with in Altres. There was no reason to do that whatsoever in reason to deal with any such questions. Moreover, our teaching, as it was directed towards all physicians, was based on sound international scientific and valid ethical principles of the medical science at large. You will not be in a position, even if you could search for ten years, to get any person to stand Altres to tell you that any evil word was said in that connection by Altres or any example was put there, and that is the reason why I firmly stated here that I bear no responsibility for the school at Altres. And I bear it alone, and that I like to bear it.

Q Well, then you never discussed with your students at Altres, or indoctrinated your students, along Nazi lines, that is, establish in the students a hatred for the Jews, or any other such Nazi policy, is that right?

A No, in Altres, no policy of hatred was pursued, neither towards Jews or any other people throughout the world.

Q Then you deny that any of your teachings were responsible in encouraging German doctors to give inferior service to the groups of people who for political, racial and religious reasons were deemed undesirable by the State and naturally were confined in concentration camps, is that right?

A May I ask you to tell the interpreter not to translate "deny" with "admitted". I did not have the intention to deny anything, but I do have the intention to put something right if it is wrong. Just generally I want to state again in connection with that question, in address, neither by writing nor by lectures, my subject was preached, which in any way could have formed the basis for any crimes performed in the future, as you seem to hint.

Q. Dr. Leibbrandt has a different view, isn't he?

A. Well, only I tell you in that connection that I don't hold the fact of your putting that question against you, but when speaking about the testimony of Leibbrandt I must say that I am not to write of his statement. One has to state that neither Leibbrandt nor one of the people he speaks about attended this course at Altroppe. So, therefore, he cannot say anything positive about it. Whatever he knows he may perhaps only know from what he read in my book.

Q. Well, we will go by that, Doctor. Now in your book you have stated, you have given your reasons for stating in direct examination, on page 221 that sterilization is not a crime, it is even not a punishment, it is a sacrifice which has to be borne by the individual for the future of his nation. Now you advocated this policy for Germany in order to secure healthy offerings for the nation, is that right?

A. Not I personally. The law did not originate on my initiative. At the time the law was passed I had no influence on it whatsoever. I must state, however, that the basic tendency of this law is absolutely correct and found approval not only at home but also abroad. Other states who have accepted that law have created their own sterilization laws. I know of the United States - that they have such legislation in some states of that nature. I think that since it is a law which applies to the entire United States. That is I certainly cannot say while in its passage. The aim of sterilization is to avoid getting undesirable hereditary traits into the people and therefore creating a healthy breed.

Q. That is your point of view a carrying abortion, Doctor?

A. Abortion? It is my opinion that abortion is a punishable act. In Germany there are still laws in that connection which go back to the time of the Weimar Republic, which also go back to the time of the German Republic under the Weimar constitution and continue into the time of National Socialism. At all those times abortion was punishable in Germany and I think that is quite correct.

Q. Well, then you think that abortion would be a crime against the nation in that it would deprive the fatherland of healthy and numerous offerings?

A. Yes. That is my point of view. I think that abortion is a crime against

the fatherland. That is my opinion.

Q. Well, in your position in the Reich Health Office as Deputy to Conti did you ever receive decrees or orders which were given out by Conti?

A. This question is put in such a general way that I can hardly do anything with it.

Q. Well, I will break it up for you. Did you have occasion to see every order that Dr. Conti issued in his position as Reich Health leader?

A. You mean whether I had the opportunity to see these orders or define my position toward this.

A. I don't know if you have the opportunity to see each order that Dr. Conti issued in his capacity as Reich Health leader here?

A. No, I don't.

Q. Did you have an opportunity to see a great many of the orders that were issued by the office of Conti in his position as Reich Health leader?

A. It is not easy for me to answer that question because I don't know what orders Conti issued in his capacity as Reich Health Leader. You must consider that Conti in his position as Reich —

Q. Let's go back into that, Doctor. I understand fully the execution of Conti. Did you ever discuss with Conti the question of abortions?

A. In December of 1941, Doctor, that was an abortion which was quite clear to all who were in the office at that time.

Q. Did you ever discuss the question of abortions with Conti in the case of Jewish women or women of Eastern origin?

A. No, I —

A. But when you discuss this, Doctor.

A. This is not the matter with Conti. Conti, reportedly in collaboration with Dingeldey, had the intention to carry out as many possible abortions in the case of Jewish Eastern women. In this connection a plan was taken to make abortion compulsory. I resisted this plan very vehemently, and very soon afterwards a resolution was made by Conti in connection with Dingeldey and others to which abortions in the case of Eastern women were permitted whenever they desired them. Certain formalities were provided in that connection so as to prevent the misuse of such abortions. The

expert Berlin with that question was. Munich gynecologist with whom Conti discussed these matters in detail and I remember that on the basis of my objection against these compulsory abortions Dr. Conti gave the order that in the future he, Conti himself, should be contacted and I should be left out of these questions. That resulted from my objection and also the fact that these abortions were not compulsory.

Q. Were you aware of the fact, Dr. Blum, that the Reich Health Leader's office issued a decree to the effect that the unborn offspring of Eastern workers should be done away with?

A. Well, may I express the question in a different manner so as to avoid a misunderstanding. You are saying that Conti was issued an order to carry out compulsory abortions in the case of Eastern women. Is that right?

Q. That's right. You know that?

A. No, I don't know it and I don't think this order was issued.

Q. Well, to refresh your memory I will show you the order, doctor. This is document NG-190. It will be Prosecution Exhibit 461 for identification.

JUDGE SEHRING: Is that number 461?

MR. BERRY: That is Prosecution Exhibit 461, your Honor, for identification. Will you kindly give the witness here a German copy?

MR. BERRY:

Q. Now, will you turn to the last page of this document, Dr. Blum, the last page.

A. If you wish me to answer exactly ---

A. I just want to have you turn to the last page of this document. Now you will notice that the sentence "I have been informed recently, that abortion on request Eastern female workers may be performed. This communication was made to me confidentially. I would like to get more definite information on this question my wife came up here." Now, if you will turn to the next

A. The translation didn't come through. Will you please repeat your question?

Q. Please the interpreter give a German copy of this document?

INTERPRETER: What are you asking it?

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Mr. HARDY: The last page, the last paragraph. I will repeat it again.
"I have been informed recently, that abortion in pregnant Eastern female
workers may be performed. This communication was made to me confidentially.
I would like to get more definite---"

(interrupted by Dr. Sauter)

DR. SUTHER (Defense counsel for the defendant Blome): Mr. President, I am in a dilemma, so I speak, for I really don't know what the defendant Blome is being accused of. For the last two hours I assumed that he was accused because he was a member of the National Socialist Party or because he was a National Socialist. Then for another half hour I assumed that he is being accused of having founded a National Socialist Teacher school for young physicians and supervised it, but now it is my impression that it is the task of the defendant to answer to this American Tribunal because he allegedly participated in acts of terrorism. That is completely new to me and it is quite new to me that this Tribunal should have to judge about alleged acts of terrorism. That is just a question of procedure. Now, Mr. President, something is being submitted to us; something which does not have an address, does not have a date and has no signature. That, gentlemen, is nothing at all. With that the defendant or the defense can do nothing. If documents have to be submitted as evidence in this surprising manner at a time when, for days and weeks, the prosecution's case has been concluded against the defendant, I must, at least, ask that the defendant and the defense counsel be given a photograph of the document to which it must be seen where this document originates, what it looks like, to whom it is addressed, and who actually filed it. I object to the production of this kind of document and I ask you to reject it.

THE PRESIDENT: Counsel's objection is well taken. The document which has been furnished to the Tribunal is simply dated at Zell, 27 November 1943. It does not show where it came from, by what authority, who issued it or what it is.

THE PRESIDENT: This document purports to be a list and summary of reports of the Gestapo in the Province of 1943. This was a document which was a National German document. Some of it is written in the back. It seems to be a collection of notes of the SS offices and it is, as I said, fragmentary evidence of a report captured by the French. I will turn it over to the Tribunal for their record.

DR. SUTHER: Mr. President, in that connection I say that if any such piece of evidence is submitted I must demand that the submitted copies are at least complete. In my copy there is no signature while there seems to be a

signature on the original.

THE PRESIDENT: Counsel is correct. The original should be submitted to Counsel, or photostatted copies, so it can be studied. There should also appear the purpose of any press examination of this defendant in connection with this document. He can be asked if he had ever heard of it, but it should be clearly identified to him before that can be asked.

MR. HARDY: The purpose of this document, Your Honor, is to show that the Reich Office, the Reich Health Office, in which the defendant Hesse was Deputy to Reich Health Officer Conti, was involved and issued a decree concerning the birth of Eastern Jewish workers. That is my purpose in introducing it and in bringing this subject up to the defendant, to see if he has any knowledge of it in his capacity as Deputy.

THE PRESIDENT: Can you, this evening, submit the photostat or show the original to the Counsel so he can make your offer in the morning?

MR. HARDY: I'll do that, Your Honor. Yes, Your Honor. Will you hand me the original of that, please.

JUDGE SEBING: Mr. Hardy, do you maintain that this thing you have handed up here is supposed to be some kind of a decree?

MR. HARDY: Yes, I maintain that this contains a decree issued by the Reich Health Office. You will note, Your Honor, on the next to the last page, the sentence in the second paragraph in the middle: "In this connection it must be mentioned that the decree of the Reich Chief for Public Health (Reichs Gesundheitsfuhrer) concerning the interruption of pregnancy in Eastern Jewish workers is in general willingly complied with. Thus, in the district of Berlin out of 10 reported cases of pregnancy, 6 have been interrupted successfully." Now, my purpose in introducing this is to find out whether or not the Deputy of this Office that issued the decree had any knowledge of it.

JUDGE SEBING: What do you maintain this thing is?

MR. HARDY: I maintain this is fragments of a report. On the back of the first page you will note that it is an original captured document on

Q. Yes, that is right. This position was held by Ministerialdirektor Dr. Guethen up to eight days before the outbreak of the war. The Dr. Guethen was relieved by Dr. Conti and this position was promoted to a position on the level of a Secretary of State.

Q. Well, then Dr. Conti succeeded Dr. Wagner only in that capacity of Reichsarztchef. Is that right?

A. Yes. Reich Physicians' Leader and Reich Leader of the Public Health Office of the NSDAP.

Q. That is not to be confused with Reichsgesundheitsfuhrer? I am talking about Dr. Conti. When Conti succeeded Wagner, Wagner had only one title -- Reichsarztchef. Wagner was never Reichsgesundheitsfuhrer. Is that right?

A. No, Wagner was never Reichsgesundheitsfuhrer. The concept of Reichsgesundheitsfuhrer was only created after Wagner's death. Wagner was, first, Reichsarztchef (Reich Physicians' Leader) -- that is, the head of the Reich Chamber of Physicians, and secondly, he was the head of the main Department for Public Health of the NSDAP. Thirdly, he was the head of the Reich and National Physicians' League. Wagner held no state position.

Q. All right, then Conti succeeded Wagner in all these capacities. Is that right?

A. Yes.

Q. Well now, it might be well to say after Conti took over office, Conti held only three positions, that is, three titles -- Reichsarztchef, Reichsgesundheitsfuhrer and Secretary of State for Health Matters in the Ministry of the Interior. Is that right?

A. Yes, that is correct, with the addition that Conti didn't become Secretary of State in the Ministry of Interior immediately after Wagner's death but only in August, 1939 -- that is, a few months later, and, that furthermore, in 1932 Conti became the head of the civilian health system under the jurisdiction of Prussia. ((Transcript: 1932))

Q. Well then, Dr. Wagner and Dr. Conti were your superiors in your position -- Deputy to each one. Isn't that right? You were Deputy first to

Werner and then you were Deputy to Conti?

A. No, that is not correct. I had not been Deputy Reichsanwaltführer before that. That was a position held by a court in Dr. Bartsch.

Q. Well, and your first title as Deputy came when Conti took office. Is that right?

A. Yes.

Q. I see.

A. HEDY: Your Honor, I am going on to the subject of euthanasia now at this point to a good breaking point.

THE PRESIDENT: The Tribunal will be in recess until 9:30 tomorrow morning.

(A recess was taken until 0930 hours, 20 March 1947.)

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
20 April 1947, 0930, Justice Berle presiding.

THE PRESIDENT: Persons in the court room will please find their seats.

The honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the
United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are
all present in court.

THE MARSHAL: Yes it is so your Honor, all defendants are present in
court with the exception of the Defendant Overhauer, absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the
presence of all the defendants in court save the Defendant Overhauer, who
is confined to the hospital because of illness, under excuse from the
Tribunal.

THE CLERK -- Read

MR. KATZ: It is now your Honor, defense counsel for the Defendant
Hoyon has been in Nurnberg at the present time. Witness named Pieck, who is
from Nurnberg, has just arrived to Nurnberg this afternoon. In order to hear
this witness, I have arranged with defense counsel of Bloch and for them to
put the witness on at 9:30 if it is possible with the court, and have
defendant Bloch stand aside until such examination of this witness is
concluded.

THE PRESIDENT: The Tribunal understands that this arrangement is satis-
fying to counsel for the Defendant Bloch?

MR. KATZ: Yes.

THE PRESIDENT: Counsel for Defendant Bloch having agreed, the Tribunal
admits the testimony of the witness on behalf of the Defendant Hoyon at this
time.

The Defendant Bloch will stand aside from the witness box until the
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testimony of the witness to be sworn is finished.

MR. B. CHIK (Counsel for the Defendant Brown): With the approval of the
Chief Tribunal, I am calling the witness Henri Pieck.

THE PRESIDENT: What language does this witness speak, what language
will he testify in?

MR. CHIK: When answering my questions the witness will speak German.
When answering the questions of the prosecutor he will speak English.

THE PRESIDENT: The Court will summon the witness H.C. Pieck.

Are the translators prepared to cover the situation that has been referred
to, the witness answering German or English?

INTERPRETER (Simulator): Yes.

H.C. PIECK, a witness, took the stand and testified as follows:

BY JUDGE SPRING:

1. The Tribunal will administer the oath to you in the English language.
Repeat after me: I swear that the evidence in which I shall give in this cause,
shall be the truth, the whole truth, and nothing but the truth, so help me
God.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

Counsel for the Defendant Brown may proceed with the examination of
this witness.

DIRECT EXAMINATION

BY MR. G. GIB:

Q. Witness, your name is Henry Flick, is that right?

A. Yes.

Q. When and where were you born?

A. I was born in Den Helder, in Holland, on the 19th of April, 1894.

Q. What is your nationality?

A. I am a Dutchman. I come from the Netherlands.

Q. What is your profession at this time?

A. I am an architect and a painter.

Q. Would you shortly describe your career to the Tribunal?

A. Yes. As I said before, I was born in Helder and was brought up there until I was 11 years old, as the son of a naval officer. After my father received his demotion we went to The Hague where I started my studies. Afterwards I went to a private school where I studied art, and I later went to the academy at Amsterdam. I then painted and traveled. My present profession, which I have exercised for some time, is architect for the government. I take care of foreign exhibitions and things of that nature. I built part of the Economic Partition of the Dutch Pavilion at the Exhibition in New York and I am still working at this type of work.

Q. When and for what reasons were you arrested by the Germans?

A. I was arrested by the Germans on the 17th of June 1941, in The Hague, because of having printed illegal writings in my workshop.

Q. Where were you imprisoned?

A. I was first imprisoned at Scheveningen in the so-called cell barracks, later I was sent to the penitentiary where I stayed for a year. Afterwards I was sent for two days to Haarlem and then for a year and a quarter I went to Buchenwald, where I stayed until the liberation.

Q. When, exactly, did you go to the concentration camp of Buchenwald?

A. That was on the 2nd or 3rd of April, 1942.

Q. What was your activity in the concentration camp of Buchenwald?

A. At first I was a street worker at Buchenwald, which was rather

hard work. I was later used as a male nurse in the hospital. With the aid of Dr. Haven I took care of the sick but really did mostly painting there. I partly did scientific paintings and partly painted just as a painter would.

Q. Who was head of the hospital?

A. That was Dr. Haven--Dr. Waldemar Haven.

Q. Do you recognize Dr. Haven among the persons in the defendant box?

A. Yes, certainly. He is the fourth man in the last row looking from the right-hand side.

THE PRESIDENT: The Secretary General will note for the record the fact that the witness correctly identified the Defendant Haven in the dock.
BY DR. GALLIE:

Q. What kind of prisoners were there in the concentration camp of Buchenwald?

A. There were a number of prisoners. Firstly, the most important group were the political prisoners; then there were criminal prisoners; then there were people who were lesbians; then there were homosexuals; and then there were prisoners of war. Naturally there were Jews--they were set apart in themselves. I am now going by their different designations.

Q. What prisoners were designated as pre-fascist criminals?

A. There were the criminal prisoners who had been judges.

Q. What covers all the political prisoners have?

A. They had red covers but there was a little difference later because later allied political prisoners came over who also had red covers but with the addition of another letter which designated the country to which they belonged.

Q. What kind of prisoners were the non-German prisoners, especially the members of the United Nations?

A. They were mostly political prisoners. They all wore red angles, then there were the prisoners of war.

Q. What was the attitude of Defendant Haven towards the prisoners?

A. It was very favorable.

Q Can you cite examples which illustrate the attitude of the Defendant Hoven towards the inmates?

A Yes, I think I could cite a large number of examples, and it is hard for me to choose them. If you will permit me to look at some of my notes I shall be able to give you a short report. For instance, the SS in the camp treated the inmates very roughly and it was always the case that whenever any such SS men entered any room an inmate had to call attention in a very German fashion. Everybody stood at attention very quickly until the so-called Fuehrer said that they could relax now. This kind of business was never appreciated by Dr. Hoven. For instance, it was customary that an inmate would walk through the camp with an SS man and this "leader" always insisted that the inmate walk five steps behind the SS man, with his hand on his cap and the other hand near his leg. On the other hand, I often walked with Dr. Hoven through the camp and he always addressed me as Herr Plack and he always said, "Don't be silly, keep your hat on." This is just a small example which is characteristic of him. I am just now speaking only about his behavior and I think we will later have an opportunity to speak about other details.

I would like to tell you about yet another example. When I arrived at the camp I was not allowed to write any letters, and I was not permitted to write to my wife who did not know I had gone to Buchenwald. After having established contact with Dr. Hoven after one month in the camp, and after having told him about that situation, he took me along to his desk and weighed me there. I weighed something like 75 kilograms, upon which he filled out an official form where it stated that my weight was 75 kilograms and that I was in a very good condition. After that he wrote to my wife, unofficially, saying the following: "In answer to your inquiry", and I again repeat that there was not an inquiry because my wife did not know I was in Buchenwald, "I am sending you this form." A few weeks later Dr. Hoven even went so far as to personally write to my wife when he was outside camp, he had the address from me, of course, writing to her as an old friend. In this letter he asked my wife to wrap shoes, clothes and many other things in a parcel and send

then to his address. My wife understood that there was some intrigue going on and naturally immediately answered, and just as a good old acquaintance would act, Dr. Haven wrote a letter to my wife. Then Dr. Haven again received a letter from her and she wrote this letter from my wife where she wrote about my five children and about her own situation, and he also handed me all the things that she had sent him.

I am not sitting here, however, because I owe so much to Dr. Haven personally. I am here because it is my opinion that the entire camp of Buchenwald is indebted to Dr. Haven enormously.

Q In addition to the SS and Gestapo camp administration was there any illegal camp administration in Buchenwald?

A Yes.

Q Were you a member of this illegal camp administration?

A Really no. If you are speaking of this illegal camp administration you have to consider that when we came to Buchenwald in the year 1942, the illegal camp administration consisted of only Germans, people who had been arrested after 1933 and who had already had more than 10 years of imprisonment behind them. They were the ones who had set up this illegal camp administration. The name "illegal" of course would not be necessary if it were not true that there were only very few people in the camp who knew about the existence of such an illegal camp administration.

After foreigners had arrived in the camp it was tried by the German illegal camp administration to establish contact with various nationalities, and especially in my sphere of work at the hospital, where I worked with Dr. Haven, where the center of this illegal camp organization really was, which went over the hospital entirely, I and other Dutchmen very soon established contact with leading inmates who without hardly saying a word used our services for the benefit of the organization.

Q. Were you a member of the later International Camp Committee?

A. Yes, only later. That was approximately a year and a half before our liberation. It was a very peculiar and, we realized at that time, a historical meeting place. Every nationality sent one representative, one so-called newspaper man, who all thereby formed an International Committee. It may be mentioned here that there were also two Germans present there who were leading political inmates. This committee was active until the very end, until the liberation, made improvements in the camp, and was divided into a political and military committee. You probably will know, on the basis of testimony by other people, that the concentration camp of Buchenwald more or less liberated itself a few hours before the arrival of the Americans. They themselves took prisoners of the SS people, and our troops used the weapons that had been smuggled into the camp, and the area of the SS in meeting the American troops.

Q. Did the defendant Haven collaborate with the legal camp administration as well as with the representative of the individual nations?

A. Yes.

Q. Did the defendant Haven resist measures of the SS?

A. Yes. I beg your pardon, Doctor, with reference to my first answer I should like to correct something. When I said yes it looks all inclusive, but a few words have to be added. Dr. Haven collaborated with the political inmates in such a manner that he really formed a complete front with them. Certainly as far as I know never one word was exchanged between them, never one word was exchanged about any collabora-

time in the sense that he was a member of the committee or anything like that; but when taking into consideration the situation as it prevailed at Buchenwald, this would really have been possible. I mean conspiracy had become a necessity throughout Germany during the war and it was hardly possible for two people to speak to one another freely, and this certainly was the case in Buchenwald. Buchenwald by reason of the SS there and the many criminals and bad elements which could be found among the ranks in Buchenwald, you have to take into consideration that not all rats were political prisoners in that sense. For instance, among the Dutchmen and Czechs there were a number of people who made black market activities and were in prison because of black market activities, and were then finally classed in Buchenwald as political inmates, inmates wearing the red chevrons. What I really want to correct in my first answer is that I want you to understand the behavior of Dr. Raven and his aid toward me and to everyone else who was in his close environment, and who were working in the close environment of the camp committee. It must be understood that one must say that Dr. Raven purposely collaborated with us and belonged to our front.

Q. You furthermore answered the question in the affirmative when I asked you whether Dr. Raven resisted the measures of the SS. Can you cite a few examples of this resistance to the Tribunal?

A. There are a number of examples here: for instance, Russians and Jews were not allowed to be admitted into the hospital and couldn't be cared for. It was only due to the aid and with the knowledge of Dr. Raven and others because of Dr. Raven, but that is something I can't tell exactly, because he always collaborated with the leading inmates. It is a fact that contrary to every other camp we managed to maintain a Jewish hospital illegally where sick Jews were cared for. This fact alone would suffice to kill Dr. Raven had the SS known about any such situation. In the case of people who were beaten and were not allowed to be cared for, Dr. Raven saw to it that an execution was made and saw to it that these people were cared for properly in the hospital. I must say,

as a painter, I recollect the beautiful colors which were registered by these stick beatings on the human body. I can testify to that personally. And answering your question, I could speak for a long time. The conditions in Buchenwald were of such a nature that everything that in any way smelted like an organization would be sufficient reason to have anyone hanged. It is remarkable how Dr. Hoven on many occasions faked, and as an example I may mention a certain Dr. De Laan, a Dutch hostage, who was released through the aid of Dr. Hoven, and as is confirmed by this doctor himself this was only possible by faking the X-ray of his healthy lungs and exchanging it with X-rays of lungs of people with sick lungs, who were already in a progress state of tuberculosis. I believe that these two examples will suffice to convince you how dangerous every step of Dr. Hoven was, exactly as was the case with every step of our political inmates.

Dr. Haven answered:

"You are sick. That applies to all the others, too. If necessary, just go to bed."

At any rate, I was registered as being sick, and I seem to remember that certain tuberculosis charts and things of that nature were prepared for my case, but I am not quite sure of that. Just leave that outside my testimony.

At any rate, it was quite certain that Dr. Haven said,

"Don't worry; you are all right." Whenever anyone called for you or one of your people, that is, if you were asked for at the gate by order of the SS, usually it was always called out in the camp.

"Number 'so-and-so' report to the gate," and if one didn't report to the gate quickly enough, then this in itself was a grave offense. Excuse me; I am mixing up my language.

Dr. Haven's advice to stay in bed and to wait until he came back was adhered to by me. That certainly was a matter, too, that would have brought about my death had it been found out.

Q. Who ordered these transports?

A. The list came from Berlin. I myself saw that list. It was Hitler Decree.

Q. Did the Defendant Haven have anything to do with these transports in his capacity as camp physician?

A. No, nothing at all. I just tried to frustrate the matter and to help as many people as possible.

Q. Did the Defendant Haven see to it that political inmates or members of the United Nations were released?

A. Dr. Haven managed to release a number of political inmates, mainly Germans, because there it was easiest, as I must assume, but that was also true in the case of foreigners, Czechs, Dutchmen. As far as I remember, there were only Dutchmen coming from the hospital or so who had already left Buchenwald when I got there.

A very good acquaintance of mine, Herman van Praag, has to thank Dr. Haven for his being put at liberty, and also Dr. van der Laan when I

have mentioned before. I believe that there must be a number of others.
I believe so. I am not sure.

Q Did Dr. Hoven risk his life in order to save political inmates
or alleviate their pain?

A I believe, Doctor, that this question is rather superfluous on
the basis of what I have already said. I think that you must have under-
stood by now what enormous risks were taken by Dr. Hoven in order to im-
prove our fate and in order to liberate political prisoners.

Q Are we concerned with individual cases or systematic support of
the political inmates?

A If we were concerned with individual cases, even if it concerned
only me, I certainly wouldn't have come here. For instance, Dr. Ding--
he was later in charge of Block 50--excuse me; my German isn't good
enough. What I wanted to say was Dr. Ding, under whose charge I later
worked in Block 50 and under whom all Dutchmen were working who had been
saved by Dr. Hoven, continuing Dr. Hoven's preparatory work, did much
in order to help us. I must say that the only thing to do is to be grate-
ful to a man like that. But don't forget that Dr. Ding--he is dead now
and it is customary to speak only of the dead, but I have no objection
to making an exception here--when Germany was victorious on all fronts
was a pleasant, later suddenly turned into a very amiable and kind person.

The entire camp was completely unknown to him in its working from a
political point of view and from the point of view of the illegal camp
administration. Later on, of course, when Germany's fate changed, Dr.
Ding tried to be helpful towards his collaborators. I, therefore, repeat
that I certainly wouldn't have come here if we hadn't here been concerned
with a matter which went far beyond my personal gratitude.

Q When Dr. Hoven was arrested, were there still a number of Jewish
prisoners in Buchenwald?

A Are you talking about the liberation?

A, I am talking about the time Dr. Hoven was arrested.

A, certainly.

Q What did you know about that? To what extent do these Jews thank

their lives to Dr. Hoven?

A I am not quite sure about that. I am not very well informed about it. I know about a few individual cases. For instance, I know how Dr. Hoven tried to hide Jews in nearly every corner in the camp, and I know from what I have been told that a few thousand Jews who were still in Buchenwald at that time have to thank Dr. Hoven for their remaining in Buchenwald, because he prevented a transport which was to be sent somewhere and which they were supposed to join.

Q Witness, I am now presenting to you the document NO-1063 which is Exhibit 326. This is concerned with the files of the search for war criminals in Amsterdam.

D. A. LIX: I don't know whether this document is available before the Tribunal, and I, therefore, have a number of English translations which I can submit to the Tribunal. May I be permitted to submit them to the Tribunal?

THE PRESIDENT: Submit them to the Tribunal. Hand them up, if you please.

RE DR. GADLIK:

Q Witness, I ask you the pages 12 and 13. These are testimonies of Dr. Wit and Hans Vandeling.

DR. GADLIK: Mr. President, that can be found on pages 11 and 12 of the English translation.

A Were you saying 11 and 13?

Q Yes, 12 and 13. The testimony of Dr. Wit and Hans Vandeling are in contradiction with each other. Dr. Wit says, and I quote:

"The Department 45 was under the leadership of SS-Sturmabfuhrer Dr. Erwin Ding." It further says on page 13, witness:

"All experiments were under the leadership of Dr. Erwin Ding but with the direct assistance of the above-mentioned Arthur Ditsch."

If you continue to look at Dr. Wit's testimony, you will find that Dr. Hoven is not at all mentioned in that testimony. Contrary to that, Vandeling — his testimony can be found on page 13 of the German translation and 12 of the English translation — has stated that Dr. Hoven is

Cart No. 1

Invitados en el c/c 45.

Q I quote again: This physician gave injections with typhus bacteria, as a result of which many died. The serum was produced in Block 50 under the supervision of SS physician, Dr. Fleissner, and quote. Vondeling, on the other hand, doesn't mention Dr. Fleissner at all. Do you know Vondeling?

A I know both of them. I know them very well.

Q Will you please tell the Tribunal which one of these two persons was more involved about the situation in Block 46 and 50, and which testimony is to be preferred?

A Well, the answer to that question is very simple, doctor. Both people are very honest persons, no doubt about that, and I am sure that they both wrote in the best of faith. The difference is that Dr. Fleissner who worked on Block 50 knew exactly what the situation was in the camp from the beginning until the end of it. I worked there too and can testify that this testimony of Dr. Fleissner is absolutely correct, but Vondeling, who is a very reliable person, cannot be placed without his testimony is completely ridiculous, ridiculous for any one who knows the subject. For instance, he says that the Block 50 was supervised by SS physician Dr. Fleissner, and I am telling you now I can't remember, and I don't think it is possible that Dr. Fleissner was ever in Block 50, it would mean that he had already left Buchenwald for a long time before Block 50 had been activated and for that very good reason you can see in what light you have to look at this testimony of Dr. Vondeling. He says that Dr. Fleissner was the one in charge of Block 46. Think like that was absolutely possible in Buchenwald, however. This man Vondeling is a statistician who is in the clothing shop. That is a complete difference from what Dr. Fleissner was doing with the hospital, with Block 50 and Block 46. If I was not to testify about a certain detail about the various barracks in the camp, or if the SS men who were working in the clothing shop, I would tell you that I wouldn't be able to speak correctly about all of these people because I only sometimes heard and whose faces were a little like his. I don't consider it quite correct if he would give his relative testimony about that circumstance. Therefore, this testimony about Dr. Fleissner is not only reliable because it is in

compliance with the truth, but also because Martinus J. Wit was in a position to be acquainted with the situation as it was. His testimony is correct and the testimony of Hans Vandelin is without any value.

Q. Now, will you please look at the testimony of Van Leeuwen. It can be found on page 13 of the German translation and page 12 of the English translation. Leeuwen has stated that he had been infected with typhus by Dr. H. van, on the contrary to that is the testimony of Dr. Wit to be found on page 11 of the German translation, page 11 of the English translation, and Von Jalen on page 13 of the German translation, page 13 of the English translation, and Johannes Lindner on page 15 of the German translation and page 14 and 15 of the English translation. These last mentioned are three persons who have testified that Dr. Wit carried out these experiments and have not mentioned Dr. H. van. Do you think it is possible that Leeuwen exchanged Dr. Wit for Dr. H. van?

A. I am sorry I am not certain about it.

THE COURT: For HARRY, I object to any further questions being put to this witness whereby he is asking the witness to swear the affidavit. The witness is here to testify to what he has not yet said as a juror in this case.

THE COURT: The witness may state whether or not he is acquainted with the men who are mentioned in this exhibit and what opportunity the witness knows they had of observing matters concerning which they made their statements. The witness can not say whether - he can not testify as to whether or not they are telling the truth. That is - a matter for the Tribunal, but he may state their opportunity of observation and what the witness knows of their opportunities of observation. The witness may also, of course, state any matters he knows about these matters from his own observation. He may testify to anything he knows himself.

THE WITNESS: Excuse me, may I ask a question.

THE COURT: You can't ask any questions.

THE WITNESS: Just a technical question. Could you please repeat the translation of that German since I don't quite get it on my telephone?

(The Interpreter gives the translation)

BY Mr. GALLER:

Q I am now submitting to you the testimony of Scholker, which can be found in pages 15 and 16 of the German translation and page 14 of the English copy. Do you know the witness Scholker?

A Yes.

Q What do you know about the witness Scholker?

A I know he is a very decent man. What else do you want to know?

Q Something about his personality.

A He is a young man. I believe he is now exercising some kind of function in the Communist Party in Holland. I know nothing else about him.

Q What was the medical situation in the camp?

A The medical situation in the camp - do you mean matters connected with care and so forth?

Mr. GALLER: Mr. President I am asking you for your decision whether I can ask the witness the following question:

The witness Scholker has said that because of insufficient nourishment the situation even in the labor camp of people loses consciousness and I want to ask the witness whether he is of the same opinion or a different opinion. May I ask that question?

JUDGE SCHOLKER: Counsel, I don't see any interest in the view of the Court - at the extent to which you may examine concerning this document No. 1003, which has been received in evidence by the Court as not being wholly without probative value. I think this witness can not state whether in his opinion any particular person whose statement appears in there was or was not telling the truth. What he can say, if he knows, is to say that he knows that even of his personal knowledge; that he knows his general reputation for truth and veracity in that community and that from his knowledge and general reputation he would not believe his upon oath.

Part I

JURY: (c. 1940) ... that would be a rather thin ...
 Court ... in ... the ... to ... that particular
 affidavit. ... that direct ... of ... as interpreted to
 the ... of ... that ... coupled in the ... and, if he
 knew, ... the ... of it ... opportunity for observation and
 that ... the ... the situation to which he ...
 ... was ... of a particular block ... where ...
 ... of ... , ... was ... in the pro-
 cedure, ... in a position to testify ... the
 truth ... that ... was ... incidentally was in the
 camp ... for ... by
 ... view of the ... in that
 particular? ... he ... he
 say himself ... in the particular ...
 ... that ... have
 there at the time he knew of his ...
 ... this Tribunal ... obtaining
 ... to
 the ... of ...
 ... the situation is just as simple as
 that. The ... and so ...
 ... of illegality. Now,
 ... is it.

JURY: Of course, ... by ...
 ...
 ... in the ...
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 ...

The Tribunal will now be in recess.

A. The word supply?

Q. No, please read on page 13 what Schalker says about the typhus block.

A. The typhus block?

Q. Yes. What does Schalker talk about? Does he talk about the typhus block?

A. No, he did not say a word about it.

Q. If Defendant Seven had anything to do with the typhus block then could one assume that Schalker would have said something about that?

A. I would assume so, yes.

Q. Did you see the medical care which Dr. Seven gave? Do you share the opinion of Schalker? Look at his testimony. Just tell us your opinion on the opinion of the political prisoners about the medical care.

A. Well, the medical care in the camp, Doctor, was, of course, not adequate. I do not know how many, I think there were about 2,000 beds, perhaps not even that many; that was only in the last period. But how many thousands of patients we had, ah, it was an, when the people came from Auschwitz and Grossrose, when the Eastern front approached, then there was great misery in the camp.

Q. Witness, you are not interested in the last period because the Defendant Seven was not there.

A. Well, then, I can only say that the medical aid in the camp in the last period was given only by Dr. Seven. Locked the carried out operations and operations in connection with all kinds of things. Of course there were very few victims but there was no other index because the medical care available was absolutely inadequate. In my opinion it was one of the great crimes which Dr. Seven did, that he had doctors who were forbidden under German law to give aid to their fellow prisoners, that he used these doctors in the hospital, not as doctors but as he had them listed as nurses; and so he had the worst medical treatment in the camp. Of course the facilities were very limited and Dr. Seven could not take with to Berlin for 3,000,000 marks to build a big hospital for his camp. Everyone can under-

stand that. But it is my opinion that he did what was possible at the time under the circumstances.

Q Do you know that prisoners were killed with the knowledge of Dr. Hoven and in some cases were killed by Dr. Hoven?

A I believe so, yes. I was never present and it is, of course, difficult to say although as the learns of things because one has such a function I think I can say yes.

Q Did you write a letter to the head of the Second Section of the Dutch Ministry of Justice concerning these killings?

A Yes.

Q When did you send this letter to the Dutch Ministry of Germany?

A About 2 weeks ago, 1 1/2 or 2 months ago, I think it was 2 months.

Q Will you please tell the Tribunal what you said in your letter to the Dutch Ministry of Justice about these killings?

A I will read a small extract from it. It begins: "In this function I had the opportunity..." by "this function" I mean as a responsible man in the camp committee..." I had the opportunity to see the inner organization at Wickham and the resistance and sabotage and to learn more than my fellow prisoners. For reasons of conspiracy it was impossible for them to see and understand this enormous underground activity, what great improvement was given to our general situation, in the climax was our own liberation. In this heroic struggle the most reliable part of the prisoners were later included. Dr. Hoven helped us to realize the conditions in such a way that they left room only for the threat of conscious deliberate collaboration. In my case, all his actions were collaborative on our behalf against the Germans and often against the SS. Everyone who knows the situation must understand that these notions were very often righteous and must be considered within the framework of our life in the camp. The liquidation of many Germans and several SS spies within the camp were tasks Dr. Hoven, in the eyes of many of us, a murderer. For us and for others who understand the situation, however, this makes him a soldier on our side who risked a great deal."

A. I believe this extract is what you want.

Q. What persons signed this letter in addition to yourself?

A. This letter was signed by Sengers, the City Councillor of Amsterdam and Dr. Groening, Section Chief of the State Institute for War Documentation in the Hague, both people who were in Buchenwald as long as I was. I should like to add that we were organized in Buchenwald by political groups. The representative of the Catholics, Jan Robert, one of my good friends with whom I collaborated from the beginning in the hospital and later in Block 50, a man who had a parallel career in the camp to my own, everything with the personal aid of Dr. Hoven,--was also to sign this paper. When I asked him to do so he said "No, I will write a similar letter in English myself." But now I do not know whether this statement was ever sent in because, unfortunately, Jan Robert was killed about 6 weeks ago in an automobile accident. Otherwise I would not be here alone in this unusual position, as an ally in the defense of someone who belonged to the SS, but Jan Robert would have been here too.

Q. What can you say about the number of these killings?

A. I believe that isn't possible to give a correct answer. I would not trust myself to give such an answer.

Q. For what reason?

A. I believe that is due to the element of conspiracy which surrounded these matters.

Q. When was the Buchenwald Camp turned over to the United States Army?

A. On the 11th of April, 1945.

Q. What happened to the members of the SS who were in the camp?

A. I have already said they were taken prisoner by the prisoners and turned over to the American Army.

Q. And what happened to the Defendant Hoven?

A. Hoven was outside of the camp. He was captured by the American Army. I heard this, I did not see it myself. He was taken to the camp and a court-martial, in other words, went in the American and made it clear that this was a mistake -- "That man is in SS uniform but he belongs to us." The prisoners worked for him and in Block 50 we took Dr. Hoven in and

took care of him. On the next day the Americans ordered us to turn him over
and of course we put him in their hands.

Q What were the motives for which the Defendant Haven collaborated
with the illegal camp administration and with the representatives of the
various nations?

A I believe there were various motives. Sometimes it was sympathy with
certain people, we have to acknowledge that, but in general, motives on a
level with the illegal camp administration of political prisoners, so to
speak, in an anti-Fascist front.

Q Did the defendant Haven cooperate with the Illigal Camp Administration or the representatives of the various nations for reasons of corruption?

A It is sometimes asserted by people who do not understand the situation well enough that Dr. Haven has profit from the prisoners, perhaps in my case, for instance, I am a painter. I painted all of his family. One could say he exploited me. I don't say that. In the first place Dr. Haven was a man who was willing to live on his own, and in the second place he had no work painting and portraits for certain diplomatic purposes in order to achieve something for the prisoners with high persons. So that I am absolutely opposed to the conception that Dr. Haven helped persons for reasons of corruption. There is other proof for this. In Buchenwald, thanks to Dr. Haven, I lived on a decent life, and I was a person from whom Dr. Haven got something. I was not of this, but from most people he helped, for instance the first blowers, or young people, who were spirit leaders, or a Jewish architect whom he helped, Max Fuerster, from Frankfurt/Main. There were numerous people whom he helped from whom he never got anything in exchange. That is my answer.

Q What do you know about the political attitude of Dr. Haven toward the Nazis while he was camp physician?

A Unfortunately, I can not tell you anything about that. I believe that Dr. Haven was a anti-Fascist, as judged by his actions, but the situation in Buchenwald did not permit it, and Dr. Haven's strong point was medicine. That is rather near a way as never to anything definite from him. But if you will permit me to tell a little story about the life around Dr. Haven, I believe that will throw a little light on his personality. I believe, I was absolutely employed as a nurse in the camp. In the KOF I had a room where I lived alone in the beginning, and later with a few doctors, and I painted. I made all paintings and drawings and I worked very hard. In 1942 Dr. Haven and his wife and children brought a school of children to the camp in the troop hospital, and Dr. Haven took care of the children in the doctor's suit, and as it was possible he introduced me to the doctor there in the troop hospital, and they gave me a room as a

work shop, is a studio. I was there and I knew his wife and his children and his mother there. I must say that my memories of these people are among the most valuable of my life. I would never have considered it possible at that time to be quite on a par with a woman and children who treat one exactly as in normal life. That is quite in contrast with the children of the other SS officers who only cursed the dirty prisoners. And I met his wife and his mother, some after sometime when they realized they could trust me, we discussed Hitler and the Nazis in the same form as we did in the camp among the political prisoners. I must mention that Mrs. Haven at this time, that is when Germany was still victorious on all fronts and told me the English news which she had heard on the radio every evening and I had to pass it on in the camp. And his mother was a very recent divorcee. She always spoke to me to the same effect. Another example is a Fr. Dr. Gabriel Krolser, a friend of Dr. Haven, whom I was pointing out to the camp with whom I had extensive political conversations, and who was in charge of the camp; and I made an illustration of conditions in the camp which I cut in pieces and sent out of the camp, and I gave it to this woman to keep until later when everything was over. Whether this picture, whether Fr. Dr. Krolser, who lived in Stuttgart still exists, I am not sure, because the city was badly hit. Another example is a professor Fred Freidberg, an old gentleman, a nationalist or an old center Democrat, I don't know exactly what he was, but at least he was not a Nazi. I met him very nice old gentleman who knew nothing about what was going on in Dachau, and then Jan Robert, and I told him about conditions in Dachau. I asked if the family of a man like Dr. Haven or his close friend's all were discovered to be anti-Nazi, there is little other possibility for him. But I am not sitting here to make conclusions.

Q I have three final questions by way of summary.

On the basis of your daily meetings with the defendant Haven, did you have extensive knowledge of his personality?

A Yes, a fairly good knowledge.

Q Were all of the endeavors of the defendant

given direction for helping the political prisoners, particularly the non-German prisoners?

A. Yes, certainly.

Q. On the basis of this personal knowledge do you trust the Defendant to have, as you believe the defendant Hoven could have done any thing to help prisoners which was not to support the political prisoners to their flight against the professional criminals and which were not necessary to preserve the life of the political prisoners?

A. Seen from within the framework of conditions at Buchenwald and the war situation, I believe not.

Q. Have I anything to ask to this testimony?

A. Yes, but really, as you shall points I should like to mention, if I may. It is really only one thing all together. My presence here seems very peculiar to me, Doctor. I would never have considered it possible myself, since long before the war I was always on the Democratic and the anti-Fascist front, and later became a victim of the Nazis when they came into power. After more than four years of imprisonment and everything that life suffered, and so forth, I say I would never have considered it possible to come here to Germany, to sit in this chair in the courtroom of an SS court, and I believe I can say that it is praise of the Democratic and objective manner in which you, the American Tribunal, administer the law quite in contrast to what he experienced in the Third Reich, that I sit here and can speak out that I have the feeling that I am helping you, that I am in a way helping you to administer the law justly. I thank you.

DR. GALL: I have no further questions.

THE PRESIDENT: Do any of the defense counsel desire to propound any further questions to this witness?

DR. HILF: Dr. Fleming, is the defendant ready?

THE COURT: Yes.

Q. Witness, you were in Buchenwald if I am correct in Black '50?

A. Yes.

C. E. I.

CROSS-VALIDATION

W. R. Inge

Q. Did Jack Freely use a hammer to enter the door? Did he cut his hand?

As I don't know the limit, well, but I think I can say you. As evidence, I can give you a book of drawings of Bachmann's, which is well known in Germany.

2. Will you be a part, witness, or a person to testify in a trial?

.. all, I prefer you kin in a hole or if you don't mind.

• Will I have to change a tire at the station a lot or
in the car?

4. If only I had a small portion of an Irish, it is a fact that I know
not spoken in Irish is what I mean to do.

3. How long will it take to live? How long will it last?

As I see, your position, I didn't understand it very well. After I
can understand it, then I can discuss it. I will reply
to you later.

Q. Now, it will be necessary for you will be sworn to testify in German.
A. Pisch, I know it, but I do not know the German word.

Proposition 1. Let \mathcal{M} be a metric space. Then the following are equivalent:

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved. It is important to gather all relevant information and to consider the perspectives of all stakeholders involved.

3. But, you pointed, according to your theory, a particle is an
 "idea" only: is that right?

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

1. I am not a member of any of the following groups: []

[illegible]

4. Now I have a question for you. What is the difference between a "good" and a "bad" person?

C. 10-6-11

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Q. Did you ever hear anything that Bowen may have killed people; that is people who were then these collectors or little prisoners?

104. As far as I am able to ascertain, I do not believe that he did.

Q. Were you were of the police within the Third Reich that a policeman was used to bring, was, use, use, enter on in a concentration camps they were usually taken down?

4. I, personally, don't say so. I think that it exists; the worst thing that has happened in the world is a concentration camp in Germany.

Q. You never discussed any of the activities of Haven in connection with the activities of the hospital in such a physical condition that you were not able to work?

4. The cost of the property is \$100,000.

Q. Now, it is possible that Dr. van Cull will have administered phenol iodine in the such position with all your knowledge; wasn't it?

A. Such a pain is fierce, indeed, but I wouldn't consider it possible. I mean to say, I was never there.

Q. What is the correct citation for the *Wright* case?

$$-4 \bullet \quad \sum_{i=1}^n \beta_i \quad \quad \quad 1 \quad 0 \quad 1 \quad 1 \quad 0 \quad \bullet$$
4. Die π -Erweiterung \bar{K} von K ist $\Delta \bar{K}^2$

2. Yes, as I never saw him personally in Block 46. I was sent to Block 45 to see to the physical and hygienic needs; that was for a report for Dr. For Berlin. I was to observe and document the patients.

[illegible]

Y. M. S. R. I am in the hope of kindly offering yourself to the

Court I

question? ... will finish ... Now, Doctor Din was
the ... 100; is that right?

A. Yes.

Q. Now, from your understanding and your knowledge of the ...
with ... in your capacity ... of the workers in Block 50;
you understand that Dr. ... was the superior of Dr. Din; is that right?

A. Yes.

Q. You also understand that whenever Dr. Din had to make a trip, such
as ... for any ...

of time in his deputy's absence; is that right?

A. Yes, I believe so, but I could say that Dr. Ding was in the hospital and made the first experiments in Block 44 before I arrived in Buchenwald and that another series of experiments made later and after the arrest of Dr. Hoven was continued there by Dr. Ding.

Q. So it is true that when Dr. Ding was away his deputy was Dr. Hoven?

A. Yes, I don't know these internal matters very well, as well as Dr. Kugler for example, but we always considered that Dr. Hoven was the man who took his place.

Q. Now, defense counsel has submitted some affidavits, those of Victor Lindtke, former inmate of Buchenwald concentration camp and therein one of the inmates said he was injected with typhus virus; now I want to ask you did you know at that time when Dr. Hoven injected inmates with typhus virus would he not be ill?

A. I don't know. Of course, definitely no.

Q. However, you do not exclude the possibility that Dr. Hoven may well have given typhus injections to inmates without your knowledge; is that right?

A. That would be quite possible, but I remember that I would have had to know about it in order to live, because in our internal camp circles we always said exactly the opposite.

Q. Did you ever hear the name of Dr. Sankin; Dr. Sankin?

A. Yes, I know the name and I even drew him now, if I remember correctly, not very well, but a photograph of him.

Q Was Dr. Gensken ever at Buchenwald?

A Just as in the case of Arnowsky, or whatever his name is, I cannot answer exactly. I only remember a name that was Prince von Galdeck if that happened to be his name, but otherwise we didn't have much interest in the names of these visitors, and I can't tell you, but, of course, it is possible.

Q Did you understand that Dr. Gensken was also one of the big chiefs over Ding?

A I believe so. I believe so, but my testimony in this case is certainly not as valuable as the testimony of Dr. Kopen, for example, who was the clerk of Dr. Ding and who in doing his work was exactly informed about everything.

Q All right, did you look over at the dock and see if you can look down the line of prisoners I have identified and determine whether or not you have ever seen any of them in Buchenwald?

A I have a very poor memory for faces, but with all the get-up with which they usually appeared in Buchenwald and climbed around, it is rather difficult for me to pick anybody out. It is worthless to say that there is one that I think I have seen before. That is quite worthless, I mean. I can't say anything definite.

R. HADY: Thank you, witness. I have no further questions.

EXHIBITION

BY JUDGE SEIDEN:

Can you state with more exactness than you have heard Ford say your master Arnowsky's official connection with the camp was?

A Unfortunately, I am not able to answer that question, but here again I can say that Eugen Egan would be the right man to give you all the necessary information because he was the clerk of Dr. Ding and he knew everything, and I, as I said, was a painter there and had nothing to do with the organization.

Q To have the impression, then, for a matter you know of Kopen's activities that he would be in a position to detail accurately what transpired within the limits of his knowledge and range of observation while

now at the camp?

A Yes, definitely, and, above all, with reference to Block 50, the personality of Dr. Ping, the production of typhus materials, the injection as at Block 66, because as far as I know, everything went through Kogen administratively, through Kogen's hands, that is. There is a big difference.

Q How well did you know Kogen?

A I was in the same detail with him for almost one year. We ate together; we lived together.

Q What would you say concerning your estimate of his reputation for truth and veracity and his ability to detail accurately at some later date the things that he had observed or had experienced at a prior date?

A I believe that there is hardly any man better able to give testimony of a quality such as Dr. Kogen was able to do, not only because Kogen was in a position to have extensive knowledge, but also because he is a man with a good memory, good literary ability and a man to be taken seriously as a Christian. He studied theology, and I knew him as a serious and, above all, very truthful man.

Q Did it help you to form a firm acquaintance with Dr. Kogen that he would be a man who would corroborate the quality of an oath taken as a condition precedent to giving testimony in a case of this type before a Tribunal?

A In my opinion, Kogen is a man whom I would not expect to assert anything on his own responsibility which did not correspond to his definite conviction and knowledge.

JUDGE BERG: Thank you very much.

DR. GARDNER: I have no further questions, Your Honor.

THE PRESIDENT: The witness is excused, there being no further questions to be propounded to him, and the Tribunal will now be in recess until one-thirty o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 20 March 1947.)

THE MARSHAL: The Tribunal is again in session.

MERT BLUMÉ Resumed

DR. FLEMING: (Counsel for the Defendant Krugowsky): Mr. President, the case of the Defendant Krugowsky will be dealt with on Monday or Tuesday. I beg to request that he be released from this session for this afternoon so as to give me an opportunity to discuss a number of matters with him.

THE PRESIDENT: Counsel for the Defendant Krugowsky, whose case has been called next, has requested that Defendant Krugowsky be excused from attendance before the Tribunal this afternoon in order that his counsel may consult with him preparatory to presenting his defense. The request is granted. Defendant Krugowsky may be excused from attendance before the Tribunal for this afternoon's session.

MR. HARDY: I wish to clarify that, is it their intention to put on the case of Krugowsky prior to that of Rudolf Brandt?

THE PRESIDENT: Is it counsel's understanding that the Defendant Krugowsky's case will precede the evidence to be offered by Rudolf Brandt?

DR. FLEMING: No, Mr. President, Krugowsky will be dealt with after Rudolf Brandt. I think, however, that the case of Rudolf Brandt will not take up a long time.

THE PRESIDENT: Upon request of counsel for the Defendant Krugowsky the defendant may be excused from attendance before the Tribunal this afternoon.

MR. SAUER (Counsel for the Defendant Blumé): Mr. President, at the conclusion of the session the Prosecution submitted a new document against which I objected yesterday. This is the Document Number 190. Mr. Hardy was kind enough to give me the original of this document last night and I find myself forced to maintain my objection to the admissibility of this document. Looking at this document in its original — you will —

THE PRESIDENT: Counsel, this document has only been offered for identification, not offered as an exhibit in evidence in the case. Not up to this time has it been offered as an exhibit.

DR. SAUTER: In this case I ask the prosecution to state whether they intend to use this document against the Defendant Blome, or whether they are going to withdraw that document.

MR. RABDY: May it please your Honor, at such times when the prosecution will formally introduce each one of their exhibits, that is, after the case of the defendants is in, I assume we will introduce all the exhibits that have been offered at this time and during cross examination for purposes of identification, only then we will be able to answer Dr. Sauter's question. At this time I am not prepared to answer same.

DR. SAUTER: Well, Mr. President, if the prosecution intends to use this document, no matter under what designations it may use it, we must be clear about whether this document can be used, whether it is authentic, and where from it originates. Nothing is gained by the defense if it is said by the prosecution that we are merely submitting this document to the defendant, that the Tribunal will take judicial note of it, and then at a later date it is said that it will get no exhibit number. I know it is being discussed here, it is being submitted here, and in my opinion it has to be clearly established whether it is permissible to use that document.

THE PRESIDENT: The question suggested by counsel for the Defendant Blome is at this time purely a moot question as the document had not been offered it had not been proven, no foundation for its admission has been laid. The Tribunal does not know the purpose of the prosecution. It may be used simply for purposes of asking questions. The Tribunal will have to decide such questions as they arise, but the question is premature at this time.

DR. SAUER: Mr. President, excuse me if I again revert to this point. The question already came up yesterday regarding that document. This document was submitted to the defendant, this document was distributed among all defense counsel, and I assume that the prosecution intends to make use of that document. I, therefore, don't understand, Mr. President, why the question regarding the authenticity or the admissibility of this document should not be discussed at this present stage because the prosecution certainly will not be able to use this document in any other way but showing it to the defendant, and this already happened yesterday. It was done by Mr. Hardy.

THE PRESIDENT: At this time there is no question whatever before the Tribunal. We will await the further proceeding and cross examination by counsel for the prosecution. If counsel for the Defendant Bloch deems any question propounded by the prosecution objectionable, counsel may then object to the question but there is nothing before the Tribunal at this time.

CROSS EXAMINATION (Continued)

BY MR. HARDY:

Q Dr. Bloch, during the course of your direct examination you have stressed that the euthanasia program was of no concern to Dr. Conti in his capacity as Reichsarztamtschef and Reichsgesundheitsführer, to the contrary, only of concern to Conti in his position as Secretary of the State for Health Matters in the Ministry of the Interior. Is that right?

A I have stated that that was stated to us by Dr. Conti.

Q. Isn't it true that your former chief, Dr. Wagner, in his position as a professor to Gatti, was very much concerned with the euthanasia program?

A. I don't know that. Perhaps you can give me more explanation as to that matter. In that case I shall be glad to answer you.

Q. I am going to ask you to read the section in your book on page 272, which is duly marked in red pencil. This is a survey of a speech of Wagner, which was held in the Reichs Party Congress in 1934. Will you kindly read this page, doctor? Read slowly so that the interpreters can follow you.

A. We are concerned with the reproduction of a speech made by the late physicians leader, Dr. Wagner, on the occasion of the Reichs Party Rally in the year 1934. I quote the passages underlined by the Prosecution:

"The economic burden placed upon the people by sick persons suffering from hereditary diseases, people who without their own guilt, are in such a moral and physical state from the parents side, that any independent life is impossible for them without any help from outside, who become a danger to the state and to society. If these people were listed all together it is necessary to have 300 million Reichsmarks per year for the upkeep of these hereditary sick people, not included is the expenditure for 200 thousand drunkards and about 400,000 psychopathic cases. The funds for these purposes have been assessed at about 200 million, and the work which cannot be permitted on account of the hereditary diseases, amounts to another 300 million per year. Wagner then pointed out how these inferior families are through wrong selection the ones who have the most children and thereby permitted such a distorted picture of the future to arise. Therefore, the population of the German Reich in the year 1870 amounted to a population of 41 million people, and in the year 1910 had increased to 65 million, the number of insane people who were housed in institutions increased during this period from 40,375, that is, one out of a thousand of the population, to 220,981 which is equal to 3.4 per thousand of the population. This is an increase of the population from 50 to 100. We have an increase of the insane aspect of 450%, and he declared very deliberately that the right of the healthy strong man had to be affirmed against the weak and degenerate life, for we too believe in the future and the greatness of humanity.

The problem of racial mixture which he mentioned as the last subject, was described by using very impressive figures. In the years from 1910 to 1920 thirteen Jews emigrated daily from Eastern Europe into Germany, thereby overrunning all of the free professions. In the case of physicians, one found in the year 1945 there were 32% Jewish persons in the profession, and in the case of lawyers their participation was even greater, with 50.2 per cent. Berlin in the year of 1931 had fifty per-cent Jews at its faculty, and Goettingen in its judicial faculty had 45 per-cent Jews, and Frankfurt on the Main 55 per-cent. In that connection I should like to read also a short excerpt which was not underlined by the Prosecution because this would better illustrate the sense of what Wagner said.

Q. Go ahead.

A. We are convinced, said Wagner, at the time of his speech, that in the not too distant time every nation and every people will realize that in the purity of its spirit and blood there lies its strength. We believe that in the clear differentiation between blood and blood, between spirit and spirit there lies the only guarantee for a peaceful life, together, of the various kinds of human beings living in this world.

Q. Now, doctor, will you return the book, please. I am glad that you read that last extract in addition to what I have outlined. Aren't you convinced that we look at everything from the Nazi point of view to justify ourselves and stress very much the high expenses incurred for the program and even go as far as to define people who are biologically and mentally deficient as a burden on the state and society, aren't we?

A. No, were you a physician, you wouldn't say such a thing. Those statements do refer to the sterilization law which was already active at that time. It says in the passage which I have just read that it was not considered to be desirable to continue to let live useless heritages. In addition, however, it was stated that the life of two most severely ill group of people is certainly a life without value. This latter fact cannot be disputed by any human being, be it physician or be it layman.

Furthermore, I want to draw your attention to the fact that this speech was given directly after the sterilization law had been promulgated in Germany in the years 1933 and 1934. I point out to you that the necessary understanding was not shown towards sterilization law by all circles, but at the same time I must point out that during the course of the years, the sterilization law was accepted and became a matter of course in the realm of the moral thoughts of the German people, as it is true of all nations of the earth.

2. So that as it may, I fear, it seems to me that the difference you have made in direct examination in your direct defense against the charge of outbursts is that Conti, the Secretary of State, the Ministry of the Interior, and not Conti the Reich Health Leader was concerned with this statement, is that right?

3. I said very clearly that Conti dealt with outbursts in his capacity as Under Secretary of State in the Reich Ministry of the Interior.

4. Well now are you aware of the fact that among German legal circles, even lawyers, they were not so sharply concerned with the fact that this was only Conti's job in so far as he was Secretary of the State. I want to have you look at the document, 621-23, which has been admitted in evidence as Prosecution Exhibit 395. The German is on the bottom and the English on the top. Now you will find to this is a short letter from Lönner to The Reich Ministry of Justice, Dr. Guertner, which states: "Dear Dr. Guertner I herewith acknowledge your letters of 26 September, forwarded to me with report of material about the death of inmates of prison, Lönner. I forwarded the enclosed reports of the Chief Prosecutors of Stuttgart and Hamburg to the Reich Ministry of the Interior, Reich Health Leader, for further action."

So now that indicates that those reports were not received by Conti only in his capacity as Secretary of State, but as it states in the Document, by Conti, the Reich Health Leader, were they not?

A. No, that is not correct. Perhaps I may read the same text to you now.

Q. No, you need not bother, Doctor, you needn't bother reading the text. I have read the text. It is very clear. We will continue.

A. Well, if you are making a charge against me, you must give me an opportunity to defend myself, accordingly, that is my right.

Q. We will let the document speak for itself, Doctor. There is no necessity of you reading it. I have previously read it and I do not wish you to read it. We will go on to another question.

A. In that case I am not permitted to answer to that charge which you have just made against me.

Q. I asked you a question.

THE PRESIDENT: The witness may explain what he desires in connection with that document.

A In this document it says clearly "I have given the letter to the Reich Minister of Interior — Reich Health Leader, for further dealing." Dr. Conti was quite generally designated as Reich Health Leader in the German Reich. He didn't want to be called Secretary of State and, as I have here, Reich Minister of Interior (Reich Health Leader), it means very clearly that the Reich Minister of Interior is meant, and in this the Minister of Health. The head of the Department of Health was also the Reich Health Leader and Secretary of State Conti. He was that in his State capacity in his function as leader of the Professional Association of German Physicians. That is what I wanted to say about that document.

Q We won't quibble about it any further. We will allow the document to speak for itself but I must say the words "Reich Health Leader" do not appear in parentheses. Now, Doctor, do you approve of Euthanasia as it was carried out in Germany during the war?

A I wouldn't want to be impolite now. It is very far from me and is not within my dignity. I believe, however, to have made it clear — make it absolutely clear — in my book and in my statement as far what my task toward Euthanasia was.

A I was going to ask you to read that, Doctor. You say yes. It is page 222 of your book, marked in red pencil.

Q Do you mean the passage underlined?

Q The passage circled in red pencil, Doctor, on page 222. Read that passage where it is marked.

A May I draw your attention to the fact that this has already been submitted as a document and has received an exact number. That can be seen in my document book.

Q All right. Read it for me, Doctor, please.

A In that case I ask you to let me read it in the way which does not tear it out of its context but I want to read it as submitted by me in my document book, otherwise I would not care to read it once more.

THE JUDGE: Will the witness please read the portion of the document requested by prosecution. After reading it he may make any explanation.

desires to make within reason.

A. Yes, Your Honor. "We considered it to be nonsensical that, for instance, insane people who threatened their own life as well as others, or idiots of a high degree who perhaps can not even keep themselves clean or eat by themselves, were brought up and kept alive with great effort and expense. In free nature these creatures would not be able to exist and would be exterminated according to the Divine law. We also did not understand that persons inferior in character and spirit, asocial creatures, who had murdered were, it is true, condemned to death, but were then pardoned principally and kept alive in penitentiaries at the expense of the public; but also in quite different cases where it is not a question of putting an end to inferior life, we wondered whether the physician should not be given the possibility to end an unhappy life prematurely. We are thinking seriously suffering, incurable sick persons, who until their death had to expect only increasing mental and physical suffering and who themselves asked the physician to free them from their suffering." May I say something else?

Q. Go right ahead.

A. I further say I remember some cases of incurable suffering in my life in which the patients implored me to put an end to their life. "Doctor, give me another injection so that I don't wake up any more. I don't stand it any longer." Cases where the doctor drew me aside and also asked me, "Please help my father fulfill his request." There was nothing left for me to say, "According to the law the physician is forbidden to do that." And yet there are cases in which the physician for deeply humanitarian reasons considered his own sense of responsibility as higher law.

Q. Now, Doctor, in the passage you have just read, if my understanding is clear, you say it was nonsense to keep alive insane people who were dangerous to themselves and others or those who had illness of a high degree, with a great care and expense and further you speak of such people of little value, of ill temper, asocial creatures, who may have committed murder and were pardoned and kept alive in penitentiaries at the expense of society. Is not your opinion this? Is not this very much the same as the opinion of your Chief Counsel in this matter, and wasn't it in this

basis that Euthanasia was planned and carried out by the Nazis?

... In that connection I would like to tell you that this opinion, which I expressed here, and as it is expressed by me in the preceding text, was not only my opinion but also the opinion of innumerable physicians. I do not want to say, with reference to your explanation of my book, that it was not exactly what I actually wrote — black and white — in my book. No human being will be able to blame me that I have written such matters in my book, least of all will any sensible human being be in a position to assert that my statements were not driven by a moral and profound feeling of humaneness.

... Doctor, how do you account for the statement, and I will quote from your book as it is here in this exhibit. "We also did not understand that persons inferior in character and spirit, racial creatures, who had murdered were, it is true, condemned to death, but then as a rule pardoned and kept alive in penitentiaries at the expense of the public." It was your opinion and the opinion of your colleagues, as described in this book, to also subject them to extermination under the name of euthanasia, wasn't it?

... In that connection I may point out that at least according to the instructions it came through my superiors, we are concerned with certain interests of my world view by your descriptions. I must say that we had an interest in a situation that in Germany every criminal murderer who had been condemned to death, should be principally pardoned and never be executed. That is what I want to say in this very brief passage very clearly, and it has nothing to do with Euthanasia.

... All right, Doctor. First I want to tell you that we have had now seven of the defendants on the stand, and you are the first that has had difficulty with the translations and interpretation of the men who are there on the stand. I want to inform you that they are pretty capable men and I don't want you to complain any more about translations. We will continue.

THE PRESIDENT: The Tribunal is aware that errors in translation or interpretation by witnesses, or any counsel, believes there has been an error in translation. It is the duty of this person to call the matter to the Tribunal's attention.

of the Tribunal at Nuremberg.

Q. YES: Yes, sir.

Q. You were present in a meeting in 1940 or 1941, according to your affidavit, where Euthanasia was discussed. Now, at that meeting was Conti with you?

A. In my affidavit I stated that Dr. Conti was there, and I think that was in 1941, as far as I know, during a meeting which was held in Munich, Professor Baur would give an explanation about the so-called Euthanasia action in front of the Reich Chamber of Physicians. The reason why Conti told me that was that I wanted this situation clarified but could not obtain clarification. Thereupon he told me that this meeting was going to take place. This meeting actually took place in 1941, I think, as far as I know it was 1941, in Munich. From what I still remember about the meeting that I reported in my deposition at Nuremberg was set down later in an affidavit.

Q Now then, Doctor, was Conti present at that meeting?

A Yes.

Q Was Professor Brandt present?

A No, I already stated that this word Brandt was either a mistake on my part or that, at that time, it was a mistake on the part of Conti. At that time, Victor Brack was present, and Victor Brack represented Reichleiter Bouhler. Brandt, as I convinced myself in the meantime, was not a participant of this meeting.

Q Well now, what was the reason for your being in attendance at the meeting? Surely at the request of Conti?

A As far as I know, all the Gauleiter and Reich Chamber of Physicians leaders had been invited and it was a matter of course that I was invited too.

Q (Interrupting) Well then, was this matter --

Pardon me, Goodhead, Doctor.

A I was saying that was customary during such meetings.

Q Was this a matter which concerned the Reich Chamber of Physicians?

A In that connection I may tell you the following: Just as much as I was interested in this secret procedure, a number of leading physicians belonging to the Reich Chamber in Germany were also interested. In addition to myself, a number of other leaders of the Reich Chamber of Physicians and Gauleiter within Conti's explanation of that affair, and perhaps I may express myself in such a manner, that the result of the various requests which went into Conti was, in effect, this meeting which took place in Munich in 1941.

Q Now, did you voice any objections to this proposed euthanasia law or draft at that meeting?

A May I ask you just what you mean? Do you mean the draft or do you mean the law which was later to be published -- the law to be published in some time which I spoke about in my affidavit?

Q I'll take that piece by piece, Doctor. Did you voice any objections as to the carrying on of euthanasia without having fully published the law?

A Yes, I am there referring to the affidavit which was already read
made by Professor Klare of Bielefeld, and I refer also to what I said during
direct examination. I wanted a publicly promulgated law and, for this
reason, I define my attitude to that question in my book. I chose this form
of my own experience as I found it in practice. It is my point of view then
even after our experiences of today and after everything that I have heard
that the settlement of the euthanasia question is well a problem which should
be settled by way of law. This is my point of view in particular because
apart from my factual experiences, I, myself, had a terrible experience in
my own family. At the beginning of 1940 my mother was afflicted with cancer
then seeing my mother for the last time in December, 1944, her suffering
had progressed to such a terrible extent that my mother asked me daily for
that visit - she said: "My boy, please do me a favor. Give me an injection
so that I will not wake up again and would finally be relieved from pain."
I did not do this favor to my mother. I tried to help her, I lied to her. I
kept her true condition from her and I represented it in a different fashion
from what it really was. I tried to give her hope, and in March, 1945, my
mother, after torturing herself for months, finally died. In that connection
I must say that this was my most personal experience and this is why I
assumed the point of view that the euthanasia question is worthy of a legal
settlement. It is my point of view that three demands have to be fulfilled:
The first: we have to be concerned with incurably sick persons. Secondly:
have to have people who have expressed the desire or, rather the members of
their family, to undergo euthanasia as sometimes they themselves can not
overlook the extent of their suffering, and thirdly: there has to be a pub-
lic basis for any such procedure.

Q Now, Doctor, inasmuch as you did not consider this legal unless a
law had been published, did you go, after this meeting, to Conti and object
and ask Conti to not, as afterwards anything that if happen might backfire
on the Reichsgesundheitsführer?

A I didn't understand the last part of your question. I don't know
exactly what you meant - what were these uncomfortable consequences?

Q Did you go to Conti and ask him to act in regard to euthanasia when you understood that the law would not be fully published?

A As I said before, I went to Conti immediately after the meeting at Wehrmacht that we had to interfere on the behalf of the Physicians' Leadership.

Q Do you remember, in one of the interrogations, Doctor, where you stated that you went to Conti after this conference and asked him to act, because you didn't want anything to backfire on the Reich Health Leader? Do you remember that?

A No, I didn't say that during an interrogation. I said something completely different, and I am quite sure of it.

Q Well, Doctor, why did you go to Conti and ask Conti to act, and object to Conti after the meeting? Was it purely a personal reason why you went, or did you go because you didn't want your position to be tainted by having your office participating or consenting to the euthanasia program?

A You are asking whether I was afraid. I must tell you that I was never afraid throughout my entire life. Fearfulness is one thing that I really lacked. I didn't go to Conti because I was frightened. I went to Conti because I considered it to be my duty and for no other reason.

Q Well, then, you felt, and it was your opinion, that in your title as Deputy Reichsleiterführer or Deputy Reichsleiterführer you were one of the responsible officials in this matter, wasn't you?

A No, that is not correct. I didn't bear a legal responsibility and I never thought that I should bear any such legal responsibility. For the responsibility for an act is borne by the individual who is competent for the execution of that act. The Reich Minister of the Interior was competent and not the Reich Physicians' Leadership. If, in spite of that, I tried to interfere in that matter, then I did it for reasons already stated.

Q Now, Doctor, will you go on with the subject of blood circulation. Now, in this question, taking up the physical condition of Robert Fink. Was the reason why an attempt was made to declare him half-Aryan, or half-Jew so, that he could continue his work with Fischer?

A No, that was not the reason, for if he had not been released he could still have continued his work with Fischer. He shouldn't be released in

order to continue his work. Peix wanted to be released on his own initiative and he was then transferred to some other place where there was a factory, but he could have worked there as a prisoner just as in the case of concentration camp tens or tens of thousands of inmates had been detailed to work in certain factories. The reason why I interfered on Peix's behalf, was only because I was convinced that an injustice was done to Peix. Quite accidentally, by pure accident, without knowing Peix closely, I had the opportunity to interfere on his behalf, and I did that, not moved by an official obligation but from purely human reasons, and I was very glad to be able to help this man.

Q Well, was Robert Peix able to go about to these various manufacturing establishments where they intended to manufacture polyal? Was he able to go about in the classification of a concentration camp inmate?

A No. I already stated during an interrogation that Faix was given vacation. I don't know whether he was finally released from the concentration camp, but I know that he was in a position to move about freely. He himself visited me in civilian clothes, in the summer of 1944, without being accompanied by anyone; therefore I concluded he must have been able to move about quite freely.

Q Now, Doctor, I have a few entries to mention in Sievers' Diary. The Court has covered these pretty well on direct examination, and I have one or two I want to go over with you now. Now on the entry of 22 February -- I don't have a German copy available, Doctor, so you will have to bear with -- on the entry of 22 February, this is of the Sievers' Diary, Document No. 3546-PS, which is Prosecution Exhibit No. 123 and is the Sievers' Diary for the year 1944.

INTERPRETER: That document book is it, Mr. Hardy?

MR. HARDY: Document Book No. 11 will be one of the document books, Document Book No. 11 in the English, and Document Book No. 3 in the German, I believe.

Q Do you find that entry of the 22nd of February, Doctor?

A Yes, I have found the 22nd of February.

Q It states: "1000 hours. No. 7. Further work in the matter of SS Hauptsturmführer Dr. Floetner to be done through RPF." Would that RPF near the Reichesgesundheitsführer? Do you follow me?

A I do not think I understood something correctly. I have the 22nd of February but there is nothing mentioned about Floetner or 1000 hours.

Q Under the 22nd of February you will find number 7 -- under the 21 of February, number 7.

A Yes, yes. I have found it.

Q That states: "Further work in the matter of SS Hauptsturmführer Dr. Floetner to be done through RPF." Now the initials RPF -- that initial was the common initial for the Office of the Reichesgesundheitsführer, wasn't it?

A There was not an abbreviation for the Reichesgesundheitsführer in that form. For instance, ...well, I really don't know RPF. Perhaps you could

Lesser ask Mr. Sievers. I really don't know. I don't know Sturmabfuhrer Floetner. I never made his acquaintance.

Q You never worked in collaboration with Floetner or heard anything about him in your official duties, is that right?

A No, I haven't know him at all.

Q Now you will notice in the next entry under the same date, headed Dachau, at 1630 hours, you go down to #2. It says again "SS Hauptsturmfuehr Dr. Floetner" and under Entry 3-"Curator's agreement to working through RGF. None of that is familiar to you, is that correct, Doctor?

A No, I cannot explain it. In this connection where you say RGF an Curator, if RGF is to mean Reichsdeutscherfuhrer there cannot be the expression of curator because not any such expression existed. In addition have to say with reference to this entry that this is not a meeting in which I participated in any way. Here we are obviously concerned with a conference which took place in Dachau, where Dr. Sievers was discussing matters with Floetner and Rascher and Sturmbannfuhrer von Lothmann. I, at any rate, did not participate in any such conference. I was not in Dachau a single day throughout the entire year of 1940, so, therefore, I cannot really tell you what RGF is supposed to mean. I must therefore ask you to kindly ask Mr. Sievers about that matter.

Q Well, now, Doctor, I have another entry here, right on the same line, which is No. 3, which will be right underneath the entry we were just discussing, which the Tribunal took up with you, and I have one question to ask you in that regard. Now it states: "3. SS Hauptsturmfuehrer Dr. Rascher c) Supply questions for production of Polyval. d) Experiment's Professor Bloem." And then it goes down to "f) Polyval report to SS Gruppenfuhrer Dr. Gebhardt." Then it continues on, discussing Polyval problems, etc., ending up with "1) Success report on Polyval." Now do I understand it correctly that when the Tribunal asked you about the reference by Sievers, stating "Experiments Professor Bloem" meant, that you answered that that possibly meant some work in connection with cancer?

A. I stated in that connection that I am not responsible for the terminology which Dr. Sievers cared to apply in his diary. In this connection it is out of the question that we are concerned with polyol. The polyol problem had already been cleared at that time. Therefore we can only be concerned with examinations of this new successful cancer drug. There is no other possibility. I should like to ask you to see Mr. Sievers about that matter. Sievers is the one who wrote that diary. I am seeing these entries now for the first time, and I really cannot tell you what RGF is supposed to mean in that connection. I cannot tell you for certain. I want to tell you once more that we are not concerned here with any conferences in which I participated. Otherwise I would perhaps be in a position to give you some explanation, from memory.

Q. Well, some of these entries refer to telephone conversations and other conferences at which your name was mentioned. In this connection, Doctor, you are not aware of any experiments performed on human beings in order to test the effectiveness of polyol, is that right?

A. Yes, that is correct. I merely found out afterwards, from what I heard in Germany, that skin of the upper thigh of the human being had become bloody under a varicella. That is the only thing that I afterwards heard about Rascher. It is absolute scientific nonsense, as I said at the time, and only here in the files did I learn about these experiments.

Q. Well, now, you recall that the Pohl affidavit which was, I believe, Document No. 80-065, stated that Sievers had told Pohl that in order to test this polyol that inmates were shot in the leg, and I believe Professor Gebhardt corroborated that statement upon the stand. You never heard of any of these experiments or tests made by Rascher?

A. No, I heard nothing at all about these experiments.

Q. I am going to read to you a portion of an affidavit to see whether you have ever heard of this condition, Doctor, in connection with polyol. This is Document No. 80-1424, which is offered for identification as Prosecution Exhibit No. 482, which is an affidavit by Fritz Friedrich Karl Rascher, an uncle of Dr. Rascher.

THE PRESIDENT: Will you give the Tribunal the identification number?

DR. H. ROY: The identification number is 462, Your Honor.

Q Now, Doctor, I want you to turn to paragraph 5. Now I will read this paragraph:

"In August 1943 I was twice with my nephew in the Dachau concentration camp. The first time I went only to his private quarters and did not see the laboratory. The second time he showed me his laboratory and introduced me to his colleagues. I still remember the following names: Dr. Gussenbauer and Dr. Peix. I inspected the chemical evaluation of clot-forming blood. At that time he also told me of sub-cooling experiments. He said that he had carried these out on himself at first and then he introduced me to one of his colleagues who had volunteered three times for these experiments. If I remember rightly, Mimlar is supposed to have been present at one of these experiments and to have pardoned the man who were condemned to death. During the absence of my nephew I accidentally found the following document in his desk:

20 Apr 1948-5-21 y-int. in Ger
Court No. 1.

Did such a thing as that ever occur?

A No, I never saw any report on this subject by Rescher, and as far as I know Rescher never sent in a report on research to the Reich Research Council, not in the official semi-annual either.

Q. Now, Doctor, we will go on.

A. May I add something?

Q. Go right ahead.

A. May I point out once more what I have already said in direct examination - that was that such experiments were not carried out at all that winter and not later either and that another entry in this diary confirms this. Consequently, the Reich Research Council could not have received any report on any results of experiments. And may I add something else? It occurs to me that there were other mistakes made in research assignments; for example, I was by mistake sent things which had nothing to do with medicine at all, but with agriculture and that was also a mistake by the office personnel in the Reich Research Council. Assignments for the combatting of insect pests were entered by mistake on the account of the agricultural men, which actually belonged to my biological research assignment. It was not a unique occurrence to have such a mistake.

Q. All right, we will go on. The Tribunal and defense counsel have taken you rather elaborately over Documents 30-290 and 329 regarding the appointment of Rescher to a university professorship or lecturer. In that connection, Doctor, do you deny that you talked to Professor Pfannenstiel concerning Rescher?

A. As far as I can recall, I did not talk to Professor Pfannenstiel about Rescher, but I wrote a letter to Professor Pfannenstiel in which Krimler's desire for Rescher's habilitation was presented, and then I received a refusal from Mr. Pfannenstiel, as he did not want Rescher to habilitate with him, and then I did nothing more in this matter as I did not see why just I should take any steps in the matter, as not even Rescher's superior, who was at the same time a professor and could have carried out this qualification as a lecturer, was not willing to do it. I told Rescher at the time that he should find another professor, he should take suggestions and I would take care of the matter, but Rescher did not take any suggestions either and I don't know that Rescher received

an habilitation at all.

Q. Well now, did you contact Professor Dr. Menzel regarding Rascher's appointment?

A. I did talk to Menzel about it.

Q. And after that time Menzel dealt directly with Pfannenstiel at Marburg and you were not longer in the picture, is that right?

A. No, I consider it quite impossible that Menzel went to Pfannenstiel. I turned to Menzel because I knew either from Himmler himself, or from Rascher or Sovers, I don't know, that a secret habilitation was desired, and in order to clear that up when I visited the Reich Research Council I went to Professor Menzel, but not in his capacity as head of the managing committee of the Reich Research Council but Menzel was also a chief of the Office for Science in the Ministry of Culture. I could get the best information from him but I do not believe that Menzel did anything in this matter.

Q. Well now, this secret thesis which concerned Rascher's work at Dachau, upon which he was going to base his receiving his university lecturer's position or title - did you see that secret thesis prior to the time it was submitted to the university? Did you see it?

A. Rascher sent the document to me and asked me to help him with the habilitation. I received it by mail, I looked through it, I remember that, and it had quite a number of charts and tables. I did not read it. Then I wrote to Pfannenstiel but I cannot tell you whether I sent this document to Pfannenstiel or whether I merely inquired by mail without perhaps sending the document along. I cannot tell you. All I remember is that Pfannenstiel refused and I believe that is in some document which has been submitted during the course of this trial.

Q. The document has not yet been submitted; however, we have it and I will show it to you in a moment. Didn't you know the type of work Rascher was doing after you had seen this thesis?

A. No, I cannot tell you the title and it is not true that I read it. I said expressly that I did not read it. If I had read it I would

be glad to tell you the title and the contents because that would not be anything punishable if I hear subsequently about such scientific experiments that valuable results might be expected for future research.

I should like to emphasize once more that I was not Mr. Rascher's so-called habilitation professor; I was merely asked to negotiate for him. If I had been his habilitation professor, I would have had to study and judge the thesis in detail and then turn it in to the faculty and several other professors would also have to deal with it and give their opinion.

Q. Doctor, I also recall you stated in direct examination that when Rascher submitted the thesis to your office that you had a specialist in your office check it over.

A. No, that is a mistake on your part. There was no specialist in my office.

Q. Now, Doctor, you were to intercede for Rascher with Professor Pfannenstiel at Marburg University. Do you mean to tell me you would attempt to intercede for another man so as to pave the way for his receiving the title "University Lecturer" without acquainting yourself with his ability and without acquainting yourself with his thesis? Would you recommend a man to another man without knowing whether he was fully qualified to hold down that job?

A. I must say the following. It was not my duty to take care of Rascher's habilitation. I was merely asked to look for a professor who would take charge of this. It would have been the business of this professor, as I often said, to study the thesis thoroughly.

Q. Inasmuch as this was a secret thesis and you had it in your hands, didn't the human element of curiosity rather give you a little to find out what it was about?

A. If I say anything about that, I was well known as never being curious and my duties were so extensive that I had no interest in dealing with things that did not concern me directly. I can assure you that directly.

Q. We will now refer to Document NO-1057, which is to be offered for identification as Prosecution Exhibit 463. Now this document is heading by the stationery of Dr. Sigmund Rascher, Dachau 3-K, 18 November 1943, addressed to University Professor Pfannenstiel, SS-Obersturmbannfuhrer, Marburg, Hygienic Institute of the University:

"Dear Professor,

"I was informed by the Deputy Reich Chief of Physicians, SA-Gruppenfuhrer Prof. Dr. Blum, with whom I am working together, that he has sent you my probationary treatise some time ago.

"This way had to be taken since the Reichsfuhrer-SS has ordered that the treatise will be treated as top secret. Consequently, I was not allowed to hand you over the treatise personally. Therefore I beg your pardon for having taken this way. May I respectfully ask you, dear professor, when I could possibly see you for a conversation regarding the formal admission.

"At the same time I would like to ask you whether you are still interested in experiments to establish increasing high altitude resistance by administration of vitamins. In the affirmative I would respectfully ask you to be kind enough to apply to the President of the Reich Research Council, chief of the managing advisory board, SS-Standartenfuhrer Sievers, Berlin-Steglitz, Grunewaldstrasse 35, for a portable low-pressure chamber of the Luftwaffe for our experiments. I discussed such experiments with the Reichsfuhrer-SS on 27 October 1943 and he agreed fully that such experiments could be conducted here. I am in a good position to coordinate such investigations with my present work. I beg to ask you respectfully, dear professor, to let me have your reply at your convenience. Heil Hitler."

And the signature Rascher.

Now, Doctor, is it not clear from this document that you not only submitted Rascher's probationary treatise to Professor Pfannenstiel, but in addition thereto Rascher states that he was informed by you, "St.-Gruppenführer Dr. Blome, with whom I am working together," that he has sent the treatise. Now this shows a pretty close association between you and Rascher, doesn't it?

.. No, it was just as I have described it to you. It was no different. This document does not in any way refute what I have told you. I said Himmler asked me to help Rascher. I said that I went to Pfannenstiel. I believe in the preliminary interrogation I told you why it was Pfannenstiel that I went to, that that was due to a coincidence, that in December 1942 I believe I met Pfannenstiel on the way to Lamsort, and that was why I happened to arrive at Pfannenstiel because he was a high SS officer. He was a SS-Standartenführer, I believe, perhaps even Gruppenführer, at least in the rank of a Colonel in the US Army. He was a university professor, and he seemed to be the most suitable person, and I did not know, as I learned later, that Rascher had had something to do with him before. I did not know that. And this document in no way refutes what I said truthfully, that I did not know about the contents of the thesis because I actually did not read it. It could have been on an entirely different subject.

I think that here during the trial, unless I am quite mistaken, other witnesses have talked about this habilitation of Rascher. I think that Goebbels spoke of it, that Rascher spoke to him about habilitation in the surgical field. In the meantime Rascher said to me that he wanted to qualify as a lecturer in the field of head examinations; and then I think in some other connection a document was submitted here, a letter or something, in which Rascher or Sievers complained somehow. One had to discuss a certain subject. I can't say exactly, but anyway what I have testified is the truth.

.. Well, I want only to ascertain what the subject of this treatise was. It is perfectly obvious from this letter that it was on the habilitation or training, whichever it may have been, but not specific. I don't at all know. But now here is another question I have to ask you

in connection with this document, Doctor. You stated in direct examination that in the Reich Research Council nothing originated from the Reich Research Council, that is, the Reich Research Council was merely an organization which had several plenipotentiaries, and the plenipotentiaries originate in research. Is that right?

A. I am sorry, but I don't quite understand. The Reich Research Council has the principal duty of dealing with research. I don't quite understand —

Q. Well, then —

A. — what I heard in the explanation here.

Q. Well, then, if their principal duty was concerning research, then these matters concerning re-awakening that were assigned to Leachar on that last sheet about the Reichsforschungsrat with your name "worked on by Himmler" — doesn't that mean that that was true, that you did work on that experiment, who did insist that last sheet? Why make that assignment in the Reichsforschungsrat?

A. The originator of the research assignment is established by documents. It was given by Himmler. Leachar could have conducted his re-awakening experiments without any connection with the Reich Research Council.

Q. You don't understand me, Doctor. You don't understand me. Just a moment. Of Document No. 40-690 that we have gone over so many times, you have listed three four assignments. Three of the assignments are in connection with the Reichsforschungsrat, and one of them which you deny having been assigned to you were one was with Hirth's activities and the other concerning Leachar's activities; now who originates these assignments on that assignment sheet? That is the Reich Research Council or, not Himmler. Who put these assignments on that sheet and sent it to you?

A. You mean this paper that was shown to me a little while ago?

Q. Yes.

A. That was from the Reich Research Council, of course.

Q. Yes. Well, now, who determines what Himmler will work on, what Speer will work on, what Hergl, or will work on, or John Doe will work on? Who interpreted that in the Reich Research Council?

.. The specifically issued these assignments I can not tell you. I can only tell you once more that I was not competent for issuing the assignments. That these assignments belong to Mr. Seuerbrach, and how the registration took place, I do not know. I have already said that such a card, index card, I never knew before. I saw that only in explicit. I don't know.

Well, now, these assignments were obviously issued either to Saubrich, or to Glone, or to other holders of the Reichsforschung amt. who was responsible for the issuance of the assignments? Not Gloring.

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Q. Gordin denied any knowledge of these things when he was on the stand here before the International Military Tribunal. Now, who was responsible for making these statements? You were a high official in the Reichsforschungsrat. Did you have any subordinates?

I can only tell you with certainty that all the
case reports in the cancer field and in the field of toxic field warfare were
issued to me. In the field of poisoning, however, case reports on the effect
of chemical warfare agents or in general medicine, that is under Schindler
Sauerbruch. I have already said that, and I have also pointed out that this
Hirth chemical warfare report and report was listed in a file card, index card,
with Sauerbruch, and I have also said that I do not know Hirth at all. I
don't know the man.

Well, now, if each plenipotentiary issued the assignments, that is, the plenipotentiary for general research, the plenipotentiary for surgery and the various things, then after they issued an assignment, like you say that the notable Sauerbruch was assigned to him, if he assigned something to Kaseker when Kaseker reported to him, who would Sauerbruch in turn report to? The general council? Or the Sauerbruch in turn report to, the president council?

.. I'm not quite an "urban" bird.

11, now, Doctor, you state in direct examination that you were
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or particular research scientists to whom you used not these tasks reported to you as plenipotentiary. Then you said that you in turn did not report to the Reich Research Council; there was not any such place to report to, that they did have meetings of the presidial council at various intervals, and that you would make reports at these meetings, but nobody bothered to attend the meetings because they were all disinterested, and that the only person you reported to or had any duty to report to was Hermann Goering. Now, is that right? Did I understand you clearly?

A. No. You did not understand me quite. Perhaps I did not speak explicitly enough so that you could understand me. It was like this: the man who received the research assignment had to report to the head of his specialist department (Fachreferat) every three months or every six months. The plenipotentiary or the head of the special department sent -- I believe it was every six months -- a report on the whole field of research to the Reich Research Council, to the address of the head of the managing committee. He had the reports from the heads of the various departments compiled and then this was printed in the Reich Research Office. I believe it was kept very secret and then it was sent out. It was sent to Goering, to the Reich Research Council, to all the plenipotentiaries heads of the departments, to all the people who were interested. That was the reporting and I am convinced that the Americans must have some of these reports. So many of them were sent out that there can be no question that all of them having been destroyed.

Q. Well, then you would be willing to state, Doctor, that my informant spoke on the behalf of the Reich Research Council, that voluminous reports would have been sent out to these various people that you mentioned.

A. Not from the individual head of the specialized department (Fachreferat) but the compiled report of the Reich Research Council, was sent to numerous people. I sent it to the head of the presidial council, I sent it to the management, and all the others sent their reports to the same place, and the management set up a report which was sent in red and was printed as

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top secret in the Reich, printing Office and then sent out.

THE PROSECUTOR: The Tribunal will now recess until nine-thirty o'clock tomorrow morning.

(The Tribunal adjourned until 21 March 1947 at 0930 hours.)

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Volume 14

Mar. 21-28, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 14**

**TRANSCRIPTS
(English)**

21-28 March 1947 pp. 4789-5197

Official Transcript of the American Military Tribunal I in the matter of the United States of America, against Karl Brandt, et al, Defendants, sitting at Nurnberg, Germany, on 21 March 1947, 0930, Justice Boke presiding.

ALL PERSONS: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertained that the Defendants are all present in court.

THE MARSHAL: By it please your Honor, all Defendants are present in court with the exception of the Defendant Oberhouser, absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the Defendants in court save the Defendant Oberhouser, absent on account of illness pursuant to excuse by the Tribunal.

Counsel may proceed.

MR. PROSECUTOR (Counsel for the Defendant Brack): Mr. President, in agreement with the prosecution and my colleague, Mr. Sawyer, I ask for two minutes of your attention. The defense has submitted in evidence the film "Ich Klage an" (I Accuse). This morning at 9:30 there will be a test

of the film. After that will be discussed what technical preparations are necessary to present this evidence. I ask that the Defendant Viktor Brack be excused from the session this morning and that he be permitted to attend the trial run of this film.

THE PRESIDENT: The court having heard the counsel for the Defendant Brack, I request that he be excused -- was that

excused for this morning only?

DR. PROESCHMANN: Yes, Mr. President.

THE PRESIDENT: The Defendant Viktor Brack may be excused from attendance before the Tribunal this morning pursuant to a request made to the Tribunal in open session by his counsel.

DR. PROESCHMANN: I thank you, Mr. President.

KURT BLUMER - RESUMED

CROSS EXAMINATION (Continued)

BY MR. BLUMER:

Q. Now, Doctor, I do not intend to delve into the question of the tubercular poles to any great extent, and I do wish to call your attention to Document Number HC-250, which was prosecution Exhibit No. 203, which is contained in Document Book Number 7 on page 11. This is your letter to Greiser. Now, in this letter is a solution of the tubercular pole problem, and you set forth three proposals; one, special treatment (Sanatorium) of the seriously ill persons; two, most rigorous isolation of the most seriously ill persons, and number three, creation of a reservation for all TB patients. Now, will you explain to the Tribunal what the first contemplated solution of this problem was, what was the intention of the special treatment of the seriously ill persons, number one?

A. I have already stated and believe I proved, I never had had any such intention. This was Greiser's intention confirmed by Hissler, and I prevented it. Preparations were made, and I myself certainly did not participate in such preparations. Now Greiser and Hissler proposed to do this I do not know and Greiser did not tell me anything about it. When I learned about Hissler's order I went to see Greiser and I pointed out to him how impossible such a project was and

suggested a decent humane solution and discussed it with him. What Goebler's ideas about the technical details were, I cannot tell you, he didn't tell me.

Q. We have gone all over that before, Doctor. But I am getting at it in your letter you state these three methods, three ways to be taken into consideration. Now, the first way was special treatment of the seriously ill persons. Would that mean outright extermination of all the TB Polos that were considered to be in a serious condition?

A. This expression "special treatment" came from Goebler. It would have meant the killing of those incurably sick Polos.

Q. Where did you hear the name "Unterbehandlung" for the first time?

A. I can't tell you exactly. I would assume that I heard this expression from Goebler for the first time.

Q. You never heard it in any other connection?

A. I can't tell you whether I ever heard it in any other connection. In any case, I never in my life had any part in projects or plans of so-called "Unterbehandlung".

Q. As soon as you heard the word "Unterbehandlung" did you immediately realize what it meant?

A. At this present, I cannot tell you, how in a discussion in 1940, that is almost five years ago, my reaction was in detail to any specific expression. But would be asking too much of my memory if I am to answer that truthfully today.

Q. Well, Doctor, on page 12, Document Book Number 7, Document 82 250, you state, after the first page, eliciting the problem, "Number of sufferers, Myocarditis, in the Gau." It states as a fact, very boldly and frankly, as follows: "Therefore, something basic must be done soon. One must decide the most efficient way in which this can be done."

There are three ways to be taken into consideration." Then you
elucidate the three ways and you continue in the next para-
graph and say, "For the planning, attention must be paid
to different points of view of the practical, political,
psychological nature. Considering it most seriously, the
simplest way would be the following: Kill by the 1000
battalion we could reach the entire population, German and
Polish, of the Gau, during the first half of 1948. As to the
Germans, the treatment and isolation is to be prepared and
carried out according to the regulations of tuberculosis re-
lief. Approximately 35,000 Poles who are incurable and in-
fectious will be specially treated, all other Polish con-
fines will be subjected to an appropriate cure in order
to save them for work and to stop their causing contagion."

Now, Doctor, you offer to me, to the Tribunal, that the
purpose of this letter was to prevent the extermination
of the tubercular Poles. That language that I just read
is a pretty decisive, Doctor. It doesn't sound to me as if
it is a plan to avoid the extermination. You state that the
approximately 35,000 Poles who are incurable and infectious
will be specially treated. What do you say to that language,
Doctor?

I believe that in the direct examination I expressed
myself very clearly and very unequivocally on this point.
If you now read such a sentence from my letter which I nat-
urally wrote, which is born

the intended program of extermination being the most simple and radical solution if absolute secrecy could be guaranteed. Now, wasn't the element of secrecy the only thing that concerned you?

A. No, let me refer you to our discussion in the preliminary interrogation, and specifically to the interrogation which I had with you after I had already been given the indictment, and at which I was not even warned that I was not obliged to testify without having my defense counsel present. I did not have any lawyer yet at that time. At the time I have just willingly testified and you will confirm that you asked me several questions and that the purpose of these questions was to get a statement from me; for example, as you ask it now in the form of a question. Today I can only repeat what I said clearly at that time, that the motives of my action and my choice of tactics toward Himmler were exclusively based on principles of humanity and medical ethics.

I repeat that here expressly because it is true and it conforms with my innermost attitudes toward such plans. Perhaps in this connection I may also refer to one point in my direct examination. I was not only the one who prevented the murder of those 40,000 Poles but it was also thanks to me that the intention was not realized that the Polish intelligentsia were to be eliminated by sterilization. The thinking on the latter point is based on the same moral principles as my action in this case. I was interested in preventing the plan at any cost, that is why I chose this tactic as the only possible one. That these tactics were right is proved by the 100% success and that is the important thing.

Q. You go on to say in connection with this maintaining secrecy, "What I consider simply maintaining secrecy is impossible", and your next sentence on top of page 13, "Experiences taught us that this assumption is true." What experience is that, Doctor?

A. If I refer to experience here, then that is based on the information which I got from the foreign radio. If when listening to foreign broadcasts one is quite astonished that other countries knew hundred times more than we did ourselves, but will you please in this connection permit

me briefly to refer to a similar case.

Q. Just a moment, doctor. I am going to refer to another sentence of the same paragraph and you may answer it all at one time. You state that experience has taught that this assumption is true, that secrecy could not be maintained. Then in the same paragraph, in the middle of the paragraph, you state the euthanasia program - talking of the manner in which this was done and which methods were used. Now, it seems from that language that you were quite familiar with the activities concerned in the euthanasia program. You know that those secrets leaked out and you were fearing that the secrets would leak out if you carried out such an extermination program. Do you say answer.

A. No, this deduction of yours is not quite right. You just said more or less that I had knowledge of the procedure of the euthanasia action. Unfortunately, I had no knowledge of it. Those are things which I just like every other German learned by rumors without having any exact and official information. And if I use euthanasia as a comparison here, I did so in order to prevent Goebbels' and Hitler's plan because Goebbels and Hitler had not yet realized what reaction the euthanasia program had brought forth among the people. That is why I referred to an example of a similar nature which had happened a short time before, which was dealt with not only by the German people but also by the foreign broadcasts.

Q. Doctor, set up a hypothetical situation. Assume that the extermination of these 35,000 tubercular Poles could have been carried out with absolute secrecy and no leaks whatsoever. In other words, the only ones who would have known about it would have been Hitler, Goebbels, and yourself. Would you have been opposed to it then?

A. I can answer you quite clearly. I would never have participated in any such thing. I would so before and I believe my conduct as a doctor is the best evidence that such crimes could not be committed with my assistance.

Q Now, I ask you again, Doctor, why did you write this last paragraph on page 12 "If absolute secrecy could be guaranteed all scruples regardless of what nature could be overcome;" was that purely a defensive argument?

A It has nothing to do with defense. I did not have to defend myself then. I have to defend myself today. The entire text of my letter was built up under definite tactics, according to only tactics which promised success. I did not refer to humanitarian reasons but to the political factors and their inevitable consequences, the only ones which were of importance to Hitler.

Now let's move to another section of the letter; page 14 of the Document Book which is on page 5 of the original German letter there, Doctor. You go into the second solution, you say another solution, that is the second paragraph on page 14 of the English Document Book. This will be on page 5 of the original German. Do the interpreters have that? "Another solution to be taken into consideration would be a strict isolation of the infectious and incurable consumptives without exception in nursing establishments. This solution would lead to the comparatively rapid defeat of the same. With the necessary addition of Polish doctors and nurses personnel the character of a pure health care would be somewhat mitigated." Explain that language, Doctor?

A I will be glad to. I go back to the explanation which I have already given. It is generally known that seriously infected patients are isolated. The great majority of the doctors in the world will no doubt support my opinion. This unfortunately not the case in tuberculosis. I have seen debates in all countries aimed to create laws with provision for isolation of severely infectious tuberculosis patients. This is the general point of view of the hygienists. I have taken into consideration here, and it is a well known fact, now known only to doctors but well known among laymen, that hopeless cases, and these are the ones we are talking about, find it very unpleasant to be isolated, or hospitalized in large

itals, even in the case of non infectious cases they are put in special rooms where people usually die, and do not come out again alive; and when now in this specific case, the most serious cases of tuberculosis are isolated. Then these patients understand and so do their relatives, what their fate is, and now in order to avoid the feeling of hopelessness and having to die.

I suggested that this plan should be decided on, then these people should have to be given the necessary Polish nurses and the necessary doctors; then I said in conclusion to this problem the only right solution, the best solution, would be the establishment of a big settlement or a reservation, such as is well known in German and foreign literature and for which we find examples in Germany, England and I believe Holland.

Q. Be that as it may, Doctor; from reading this letter which you wrote to Goelzer, don't you think there is a point to it? Himmler upon reading this letter would have reason to believe from your language and your approach that you were completely in favor of the extermination of the Poles, if it could have been kept a secret and the Fuehrer had approved it; now Himmler's attitude, after reading the letter that you wrote?

A. I do not believe so, you must consider in order to judge a question one has to read the whole letter. For everyone who knows conditions in Germany at that time, it is quite obvious that I could not take any other tactics if I wanted to have success. I know much examples from the military side, if you say yes and then you try to do what is really the right thing in order to avoid opposition and then let the simplest and most recent views prevail. As for this point of secrecy, I should like to point out that I have a different attitude than that, for example, the Deputy Gauleiter of Muensterland in his letter to Heinrich Himmler of 24 August, 1942; this letter is about sterilization of gypsies, and this letter shows clearly that the Gauleiter was not opposed to this plan, on the other hand he does not write, concerning secrecy, and that secrecy is impossible, but he writes and I quote, it is a very brief sentence, "We realize quite well that such matters must be treated as a secret of great extreme dangerousness. You say that is something entirely different; now since you are sitting on the side for the reason of clarity, I will also give an example, let us assume that we had known each other at that time and you shared my point of view and you rejected such a thing, I would have told you about the plan and I would have written you a letter to the following effect:

"Dear Mr. Menge: Himmler has the following idea that is nonsense, that madness and a crime and I have thought the matter over, I do not know you

am acquainted with the conditions of the authorities in Germany and with consideration of the mentality of those in power I have now written the letter to Heinrich Himmler and I hope I will have the necessary success with it."

I believe if we were not expressing each other here as prosecutor and defendant, if we were to discuss the case, then, after you had gained such great knowledge of the nature and the thinking process of the leading personalities in Germany at that time, that you would then hold the same view as I. You would say, "Blame, I say today it was the only way to prevent such a war." That is my opinion, Sir:

Q. Then you offer as your defense for the extermination of the tubercular Poles, that the reason for you writing this letter was to prevent any such program being carried out; and you state in substance to me that the reason why you expressed yourself in the manner you did, was because you felt that it was a greater possibility in Himmler than if you expressed out-right opposition to the program; is that right?

A. Yes, you have expressed my point of view correctly. If I had taken a different point of view this murder of Polish tubercular patients could not have been prevented.

Q. Of course, Rudolf Brandt says it was not prevented. We'll go on to biological warfare, Doctor, Reich Marshal Goering.....

A. You don't think it is necessary for me to answer the last question?

Q. You may answer; I said question: Rudolf Brandt has testified that 20 Poles were exterminated; you have no knowledge of that?

A. I should like to state that the testimony of Rudolf Brandt is not true. It is not up to me to tear apart the testimony of Mr. Brandt; and I intentionally did not have an affidavit taken from Rudolf Brandt to present it to the Tribunal. It is not necessary in this case, for in the course of the trial it will be proven beyond any doubt that the testimony of Rudolf Brandt is not true at all.

Q. Doctor, that is up to the Tribunal to decide.

A. Very well.

Q. Reich Marshal Goering in his capacity as the president of the Reich Research Council and you, Reich Marshal Goering, is that right?

A. I will formulate it carefully. He appointed me plenipotentiary for cancer research and with this assignment there was connected, as a secret assignment, the research in a number measures in biological warfare; that is the correct way.

Q. Am I correct in assuming that when you carried on experiments and research of biological warfare; you did it in the name and title of plenipotentiary for cancer research?

A. I did not quite understand that.

Q. Are you stating that Goering gave you the position of plenipotentiary for cancer research and attached thereto was the secret order of research for biological warfare; now whenever you transacted any business in your position for biological warfare; you did it under the name of plenipotentiary for cancer research; what I'm getting at is that cancer research is the usual title for biological warfare activities?

A. Yes and no; all cancer research was under me. I, myself, had worked on that on cancer research and I believe I can express it most clearly. Under the form plenipotentiary for cancer research there was at the same time cancer research going on as well as biological warfare research. I had only one letterhead, which said plenipotentiary for cancer research and I used this letterhead for all cancer research which was under me, as well as for biological research. I did not have any special letterhead for biological research; perhaps that explains the matter most clearly.

Q. Now for this purpose; that is the full purpose of cancer research and biological warfare you set up an institution in Nesselstedt; is that right?

A. It was under construction; it was not finished in Nesselstedt near Posen.

Q. In Nesselstedt near Posen?

A. Yes, Nesselstedt is a village or a suburb of Posen; it belongs to the District of Posen.

Q. Did Schreiber work with you there?

A. No, no work was done there.

Q. You never did any work there at all?

A. No work at all, it was impossible. If I tell you that when the Russian

Q. (Int.) Posen there were three hundred laborers still working on the building, and not a single room was ready to be used, that is the best proof that no work was done in Posen.

Q. Did you not yourself go there in Posen; did you have any office or maintain an office there yourself?

A. In Hesselstadt near Posen you mean?

Q. Yes.

A. I did not have an office there, I had something in Posen itself as there was a sort of biological small institute there dealing with the combating of insect pests, which was trying to find new chemicals to combat insect pests and then in the Polish - former Polish University of Posen, I had some rooms for my statistical assistants, who evaluated the well known cancer research. I had no office in Hesselstadt aside from administrative let us say of an agriculture nature, because to a certain extent it had nothing to do with research.

Q. You state that you did not start any experiments or biological warfare in your institute near Posen?

A. Yes.

Q. Don't you recall in your own Document Book on page 22, which is the testimony of Walter Schreiber before the I.M.T., he states in answer to the question:

"How do you explain that the German High Command did not carry out the plans?"

Schreiber answers as follows:

"The High Command probably did not carry out the plans for the following reason: In March 1945..."

That is your first Document Book, Dietrich, you have it?

A. Yes, what page?

Q. It is page 22 of the English. It is No. 7, Document No. 7 in the book.

A. Yes, I found the document.

Q. It is page four of the original which you have, it states:

"The High Command probably did not carry out the plans for the following reason: In March 1945 Professor Block visited me at my office in the city...

Q. He came from Posen, was very excited and asked me to take him and his family in the laboratories in Sachsenburg, so that they could continue their work there. He told me that he had been forced to leave his institute at Posen by the advance of the Red army, that he had been compelled to flee from the institute, and that he had not even been able to blow it up. He said he was quite worried that the arrangement for human experiments which were in that institute and which were recognized well as such, might be recognized by the Russians very easily. He said he had tried to have the institute destroyed with Stuka bombs, but that this had not been possible and now he asked me to see to it that he might be able to continue to work with his plague cultures which he had saved, at the Sachsenburg. Upon this I told Mr. Blume that the Sachsenburg had for some time not been under my command, that I could not, therefore, give him that permission, and referred him to the chief of the Wehrmacht Medical Service, Generaloberst Dr. Ernst Handloser."

A. Now, Doctor, Schreiber states that you were excited when you left Posen and that you could not continue your work there and you were quite worried about the arrangements you had made for human experiments and you thought it might be recognized by the Russians; why were you worried about such a thing as this, Doctor?

A. I can only report what I said in my direct examination, I would suggest to you, if you do not believe that no work was actually done there, that you inquire of the Polish Government, as then you would receive confirmation that it was an institute, which was unfinished, that no work was ever done there, that would be the simplest and easiest confirmation of my testimony.

Q. Now, you had attempted to experiment on human beings at Posen had you not, according to Schreiber's testimony?

A. What Schreiber says is not decisive for me; in Schreiber's testimony I have found quite a number of several inaccuracies. His work was finished at Posen; now Mr. Schreiber figured out this testimony of his, I cannot tell you how I have tried to find an explanation for it and feel that this explanation is unbelievable. I said the following in my direct examination with some other witnesses, I believe when my defense counsel asked me about a conversation with Himmler, I said: "Himmler had asked me to go to Posen to discuss working on"

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an order to get such plague vaccine." I was to make and conduct experiments on human beings. I said that at first it was my intention, after getting this order from Himmler to do so, but then later I had misgivings and then consequently no such experiments were undertaken.

Q Now, didn't you state in direct examination that if you were going to conduct human experiments that it would have been necessary to obtain the approval of Schröder?

A No, that was not what was said. I said that if Germany had wanted to make an offensive preparation for biological warfare, this could not have been done without calling upon Schröder as the man in charge of epidemic control. Schröder was the man in Germany in whose hands all the threads of epidemic control ran together. That is what I said, and then I went on to say that neither Schröder or any other epidemic research man ever received such a research assignment from me.

Q Well, now, Doctor, you have stated in your direct examination that all of your activities and the activities of the Blitzblatter in connection with this biological warfare business was allegedly of a defensive nature; that is, the purpose of your research was to prepare a defense in event that the enemy resorted to biological warfare. Now what would be the difference between defensive research and offensive research in biological warfare?

A The difference is a essential one. You may be sure if I had the assignment whether the intention of a biological offensive, I would have undertaken quite different things, and as is generally known and has been shown by the evidence in this case, there would not have been such negligence in the treatment of the whole problem. There would have been a great deal more energy behind the research, the same importance which was given to rocket research or other A. War problems.

Q Well, now, Doctor, in Document No. 80-1308 which is Prosecution Exhibit No. 325, you recall that is what Dr. Suter refers to as the file note of Aliaga. In the second paragraph it states: I quote:

"Especially America would have to be attacked simultaneously with different human and animal diseases as well as with plant parasites."

Now in that connection that doesn't indicate anything of a defensive nature, does it, in the German side? Don't you agree with me there?

A It certainly looks peculiar, but you must consider I had no knowledge of this paragraph. I did not participate in this session.

This session and the statement of Professor Schumann I learned about only here, and I have expressed my opinion on the personality of Professor Schumann. I said that he was not to be taken seriously, that he was notorious for not even believing himself what he said, and besides, the document which was found in the possession of Professor Kliewe shows clearly that only defensive research was carried on.

Q Well now, where it states here in this document 1306 that "Professor Blome suggests experiments on human beings," do you deny that you ever made such a suggestion?

A No, now that is not forbidden either.

Q Well, were these suggested experiments on your part to be made on Russian prisoners of war?

A No.

Q Well, do you know that the --

A The document very clearly says that I suggested that these experiments should be conducted in the Military Medical Academy. The Military Medical Academy was in Berlin, not in any prisoner-of-war camp or concentration camp.

Q Well now, do you know when you were fully aware of the fact that the International Military Tribunal found in its judgment that experiments were actually carried out that they were carried out on Russian prisoners of war and they very often proved fatal? Now do you want this Tribunal to believe that you in your capacity as plenipotentiary for biological warfare, having received this commission from Goering, really did not know that these experiments were carried out and did not take part in them?

A I do not want to make the Court believe anything, and I do not want to make any false statement. First, I learned of such things which are supposed to have happened only here in the prison when I read the judgment of the Nurnberg trial. Second, I consider it quite impossible that such experiments actually took place. That is what I can answer clearly and truthfully, but perhaps I may point out in this connection that I believe in the Nurnberg judgment there is some mention of August, 1943. Perhaps you might look that up for me. I don't have the judgment here

Q All right, Doctor.

A And the first opportunity for cooperation with the Wehrmacht, with the Blithbleicher Committee, was given me by an authorization from Keitel on behalf of Goering, and that can be proved that that was in August, 1943. That is at the same time when those things are supposed to have happened. For that reason alone I could not have had any share in them, and if in the documents which are doubtless among my files in your hands -- if you will look through them, you will find this order from Goering to Keitel, and you will find a notation as to when it was sent on to me.

I owe my knowledge about this matter to my interrogator in July, 1945, in Heidelberg. I was in Heidelberg for two weeks, and I talked to the English and the American gentlemen and about all questions of biological warfare all day long and sometimes into the night. I was asked about developments, and I told about this order from Goering to Keitel which Keitel passed on to the persons concerned, and I was told:

"We will show you an order; perhaps it is the one."

And I recognized the order and, therefore, I remember the date exactly. I think it took two months. It was dated June, and it took it until August before it got into my hands.

I think that I have proved well enough that I could have had nothing to do with such things as are stated in the Nurnberg judgment.

Q Well, now, do you assume that the activities which took place as are listed in the Nurnberg judgment happened during the time when you were plenipotentiary for biological warfare? Do you answer for your responsibility for them?

A I assume all responsibility for things which happened on my orders or under my supervision, but if a man free by office, for example, without my knowledge should commit a murder, then it wouldn't be quite right if I should bear the responsibility for that.

Q Tell me, did you ever report to Genti that you intended to experiment on human beings in your institute near Posen?

A I hardly talked to Mr. Genti. The relationship between Mr. Genti

and as we did be proved was so poor that we hardly saw each other.

Q Now, in order to see if I can refresh your memory as to whether or not you ever had a discussion with Dr. Conti as to your intention to experiment on human beings at Posen, I am going to introduce Document No. 100-3061 which will be offered for identification as Prosecution Exhibit No. 66A. This, if the Tribunal please, is a penciled note made by Dr. Conti in his cell here in Nurnberg prior to his suicide last November, the suicide note that he left to the interrogator.

DR. SALTER: Mr. President, I object to the use of this document at this time. In December I made application to use the so-called testament of the former Reich Physicians' Leader Conti. Then I received a decision from the Court on the 8th of January, 1947, which says that the Prosecution intends to submit this document himself. In paragraph 2 it says that in this case the document must be submitted twenty-four hours before it is produced in court. I must rely on this ruling of the Court, and I, therefore, ask the Court to rule that this document if it is to be submitted by the Prosecution be submitted only after twenty-four hours, that it can be made the subject of an examination only after twenty-four hours.

R. WARD: May it please the Court, I won't discuss the admissibility of this document at this time inasmuch as I am only marking it for identification and not offering it formally as an exhibit. I trust that I will offer it formally as an exhibit to come three or four weeks from now, and Dr. Salter is receiving a copy now and that will be sufficient time to comply with the twenty-four-hour ruling of the Court.

Furthermore, Your Honors, the Prosecution selected to retain this document for cross-examination purposes, and as I understand, the rules of evidence do not compel us to supply the Defense Counsel with a copy of a document we are going to use for cross-examination purposes twenty-four hours before such trial or hearing takes place.

JUDGE: Well, now Mr. Hardy, you are asking that this be marked for identification only. Of course, by merely marking it for identification only it does not in any sense become an exhibit in the trial and never could become an exhibit in the trial until it was formally received in evidence and given an exhibit number. Now understand, that, of course?

A. A.D.: That is right.

JUDGE: Now what is the purpose at this time for having it identified?

A. A.D.: That has been provided to be established when he started - when the defense started their case at the suggestion of the Tribunal.

JUDGE: I understand, - you are now asking the witness to call certain aspects of it and it was not quite clear to me that your purpose was. I want to have asked that.

A. A.D.: I asked the witness if he had discussed any intention to experiment on human beings in his institute at Posen with Gentl and he said he never talked to Gentl in that regard and in this dying declaration of Gentl he has stated that he talked to Gentl about experiments to be performed at Posen.

JUDGE: This is not a dying declaration in the sense that a dying declaration is recognized in the rules of evidence. The point I am making is that he is stating, according to the Gentl's statement and according to the fact, that he is true, is that?

A. A.D.: He is stating that he intended to experiment on human beings, and that the discussion I had planned did not materialize because of the opportunity to travel and because he was away so much, and he is stating that he was doing what he was doing. Furthermore, I never learned whether he started the experiments."

A. A.D.: That is the section about which I want to put a question to the witness. Is it possible the original exhibit up for our records to look at?

JUDGE: Mr. President, as far as I can see from the book which

"have been given, it seems to be only an excerpt or a heart of another document, to which the author refers. I do not see any evidence of the authenticity of the signature. It is quite obvious that there was no official who could certify to the signature, and there is no certificate, and, therefore, in my opinion, no use can be made of this document. I object to the use of this document for this reason as well. It starts the document with the sentence: "I part from life because I made a false statement under oath." That is the Conti on whom the prosecution wants to base their evidence, but I do not believe that this document can be used since Conti is dead, and in this document, as I can prove, he is again not telling the truth in the face of death, and if the prosecution wants proof of that matter they need only look at the Dachau records and they will see what part Dr. Conti said in the Dachau experiments about which this defendant is now holding up. That was another lie and I don't think we need to go into that. I am of the opinion that this document is inadmissible.

A. W. D.: I submit, Your Honors, that consistent with the ruling of the Tribunal yesterday to an objection that this is not the time to object to this document and that an objection could be made thereon until such time as the prosecution formally introduced it as an exhibit.

The W. D. D.: Counsel for the prosecution has offered no identification of this document whatever. The original which has been exhibited to the Tribunal indicates nothing except there is a document, and what that document is.

A. W. D.: Didn't the original have a certificate?

This matter can be easily handled, Your Honors. A certificate can be had. However, in answer to Dr. Seaton's objection about not having a notary, it is simply impossible for a man writing a suicide note to come to suicide with a notary present. I don't know how that is possible when he is going to commit suicide.

A. W. D.: Before this document can be used upon to draw a position the document should be established before the Tribunal in some

Q. Now,

A. Yes.

Q. Doctor, please, you have related that the testimony of the witness
after your return before the International Military Tribunal was interesting.
That you never told anybody that you had any plans or had made arrange-
ments for human experiments in the Institute at Flossenbürg. You also stated
you were never consulted with Conti about these matters. You had no inter-
est in experimentation on human beings in your institute at Flossenbürg. Now,
in view of this testimony of Schaefer and Conti, and the documents that
you have offered here in evidence, do you still state you did not ex-
periment on human beings in your institute in whatsoever manner possible?

A. I give the following answer to that: I did not say that I
discussed never such a thing with Conti. I said I considered it impos-
sible that I discussed such a thing with Conti because of the poor re-
lationship between us. That as far as your statement about Dr. Conti
goes, in view of the value of the statement of Professor Schaefer, I have
now stated it in detail. In the direct examination I disapproved pro-
fessor Schaefer's criticism and I believe credibly. Now you ask me if
that quite exactly means I have never carried out human experiments
in Flossenbürg. I say that very definitely, no scientific work was done in re-
search and carrying out experiments of this kind in Flossenbürg. The
documented work. The highest justification is the accuracy of my state-
ment. As I said before, to check up on the accuracy of the Polish Govern-
ment's testimony.

Q. Now after you find from your interest in human cultures with
you, according to the testimony of Schaefer and Conti, did you ex-
periment on human beings in any way? Or, for medical experiments?

A. I can tell you the following: First I did not do it in Flossenbürg.
I was in Flossenbürg in 1944. I was in Flossenbürg and already in 1944
I was in the so-called Institute for the study of the human mind. For
the summer months, from June 1944 to September 1944, after the last German war
I was in the prison I left the Institute. There was no question of flue-

THE COURT: The Tribunal is again in session.

THE PRESIDENT: Prosecution having finished its cross examination of the witness Bloch counsel for Bloch may proceed with redirect examination.

DR. SAUTER: Mr. President, because of the nature of the charge against Dr. Bloch it has come about that the direct examination of this defendant lasted a long time. And, the cross examination on the part of the Prosecution likewise lasted a long time. In consideration of this and of the fact that the cross examination did not bring to light anything of great importance I can dispense with a redirect examination. This concludes my examination of the defendant Dr. Bloch and I have only now a few documents to submit in addition.

THE PRESIDENT: You may proceed.

These documents which counsel will offer, will they require any explanation by the defendant Bloch or may the defendant Bloch now leave the witness stand?

DR. SAUTER: The witness can leave the stand.

THE PRESIDENT: The defendant Bloch, a witness in his own behalf is excused. May I say take his place.

DR. SAUTER: Before I turn to the documents that still remain to be put before the Tribunal in connection to the Prosecution. The Prosecution continued yesterday in connection with various entries in Sievers' diary the abbreviation R.G.V. and explained this, saying that in 1933 when they thought of the R.G.V. were the initials for Reichs Gesundheits-Fuehrer. Let me tell the Prosecution that the interpretation of these initials is wrong. What it really means is "Reichs Gesundheits-Fuehrer", in other words, "Reich Health Doctor". That was the title that the defendant Sievers had in the Abwehr. In other words, this abbreviation had nothing to do with the Reichs Gesundheits-Fuehrer, (Reich Health Doctor)

Dr. Conti, now with the Defendant Dr. Glows, I wanted to say this so that the Prosecution would have an easier job of translating these initials.

Now I must correct a typographical error that distorts the meaning, namely, in Dr. Glows's Document Book, Document 7, pages 19 to 26. Perhaps I could illustrate this distortion of the typographical error into the record. On page 21, at the top, it reads: "A few days later --" as the witness Schriber stated, Page 21 of the German Document Book, Glows Exhibit II, Document No. 7. It reads there, as I was saying: "A few days later I learned from the Chief of Staff of the Army Medical Inspectorate Generalarzt Schmidtbroeckchen who was my direct superior." That is an error. It should not be "my direct superior" but "my direct superior". It should read then: "Generalarzt Schmidtbroeckchen was my direct superior." I make this correction so that it would not be overlooked later and I hope it will be set down in Glows's Supplementary Document Book, but I preferred to stricken it out right now because the Defendant of Weimarer would have been injured if the error had been allowed to remain.

Mr. President, the rest of the documents in the Glows Document Book I referred to a large extent in the direct examination. There remains only the Appendix I of the following documents in Glows's Document Book: Document No. 8, which has Exhibit No. 14; then Document 10 receives Exhibit No. 15. That is in the first supplementary volume and two documents in the supplementary volume No. 3, Documents 15, which gets Exhibit No. 15, and Document ---

THE PRESIDENT: Counsel, will you please begin again the description of the documents in Glows's Supplementary Book?

THE COUNSEL: I shall repeat. In Glows's Document Book 1, the last document is document No. 8, which becomes exhibit no. 14-

an affidavit on the part of one Wittmann. That is Exhibit No. 14. Then in the Supplementary Volume 1 for Bloch, document No. 14 - an affidavit on the part of one Dr. Dingeldey, receives Exhibit No. 15. Then in the second Supplementary Volume, which contains only two documents ---

THE PRESIDENT: Counsel the Tribunal does not have that second Supplementary document back.

DR. SAUER: You should have had it a long time ago but I can submit it to you later because later on I must introduce a few more documents. Let me say then that those two documents 15 and 16 in this second Supplementary Volume and I will show them to you at that time.

THE PRESIDENT: Very well, counsel, the offer of those exhibits may be postponed until that time. Will the Secretary General investigate the second Supplement of Bloch's document back and see that it is furnished the Tribunal.

DR. SAUTER: Very well. I return now to Document No. 8, Exhibit No. 11, an affidavit on the part of Dr. H. Wittmann. This affidavit has been sworn to by the signature certifier. This Wittmann was an Executive of Art in the Reich Chamber of Physicians and he had the same position in the Reich Office for Health of the NSDAP. That is the same office of which Blum was the Deputy. In No. 4 of this affidavit the witness concerns himself with the personal relationships. His testimony agrees with that of the defendant. And now I should like to read No. 5 because it is of interest as to the relationship between Dr. Conti and Dr. Blum:

"5) From my long years of collaboration with Dr. Blum it is known to me that the relationship between Dr. Conti and Dr. Blum was very bad and left much to be desired. They were complete contrasts as far as personality went: I also learned to know Dr. Blum through the years as an open, honest and upright character, while Dr. Conti gave the impression of being a coldly calculating, mysterious individual, extremely ambitious and terrifically suspicious of everyone, including Dr. Blum.

"The collaboration between Dr. Conti and Dr. Blum suffered very much from these contrasts. In the course of years I learned again and again that Dr. Conti withheld from Dr. Blum a number of important events, with which they were things, which, in my opinion, Dr. Blum, as Deputy of Dr. Conti, should have known about. I also heard again and again from different medical consultants of the Reich Chamber of Physicians when they talked to me about official matters, that they were surprised at the ignorance of Dr. Blum as to certain happenings were concerned which they themselves, as consultants, had been assigned to work on by Dr. Conti, at which Dr. Blum had received no knowledge through Dr. Conti. Also, in 1939, I read a notice by Dr. Conti in the Reich Physicians' Leader, the meaning of which was that he, Dr. Conti, reserved the right to sign all important matters himself, or it might have read, reach the decision himself. Dr. Blum was only authorized to sign in other, less important matters. This notice of Dr. Conti's struck me at that time, since, according to my judgment, this did not do justice to Dr. Blum's position as Deputy Reich Physicians' Leader.

"Generally, these gentlemen, Dr. Conti and Dr. Blum, were not present at

worked together; if one of them was there, the other was not there and returned only when the other was not there any more.

"6) The conditions were the same at the Main Office for Public Health of the NSDAP which shared joint personnel with the Reich Chamber of Physicians. This Main Office and the Reich Chamber of Physicians were both located in the same building, partly in the same rooms. The task of this Main Office was to make suggestions for the regulation of the health policy and for the tasks of health vocations, whereas the execution of such suggestions was solely the task of the state health authorities, partly of the vocational associations (for physicians, dentists, veterinarians, etc.)

"7) In both offices, the Reich Chamber of Physicians as well as the Main Office, the medical consultants continually complained about the fundamental conflicts between Dr. Conti and Dr. Blum; they explained that they often did not know which point of view they were to represent in the detailed questions of their sphere of activity; the consultants often said that their technical work was thereby made very difficult.

"8) I know from conversations with Dr. Blum that he repeatedly and energetically expressed his opposition point of view to Dr. Conti and that he often tried to ask the Party Chancellery for help or assistance when he did not succeed in persuading Conti. I do not know anything about the success of such efforts.

"9) The following circumstances were especially characteristic of the relations between Dr. Conti and Dr. Blum: When Dr. Blum came to live in Munich in the autumn of 1941, he was told at the same time two confidential reports of Dr. Conti (a physician) from the office in Berlin came and after the latter had settled down in Munich. Very soon I was under the impression, from my own observations, that these two men had the task of watching over the activity of Dr. Blum and perhaps also of the other experts of the Munich office. Quite by accident I found out later that for some time had been coming regularly in large envelopes from Dr. Conti in Berlin to one of the two men (a certain Dr. Roehrs). The name of the addressee, Dr. Roehrs, was printed on these envelopes sent by Dr. Conti. I therefore came to the conclusion that such letters were Dr. Conti's to Dr. Roehrs and not to Dr. Blum.

By main inquiries I found out that Dr. Reichs had ordered the Post Office and Registration Office at the Reich Chamber of Physicians not to open such envelopes, but to deliver them sealed, whereas it was the custom to open all the incoming mail except letters marked 'secret' or 'confidential'. When I found out about it I told Dr. Gluck about it. He became very angry and said that he was red by saying that he was being watched by Dr. Conti in this way and that he was to be excluded from all important transactions of the office of the Reich Physicians' Leader.

"Such headlines continued and were not long over with. I do not know the slightest doubt that these letters were official letters, for such letters were used to come in several times a week, according to my observation. In discussion such events, Dr. Gluck continued to be frequently and expressly informed that he, as Deputy Head of the Reich Chamber of Physicians, also was responsible for all occurrences because he was responsible.

"10) Dr. Gluck told me, I believe in 1943, that he had placed his office at the disposal of Dr. Conti. He, in case his resignation from his office should not be accepted, he asked to be allowed to take his turn with Dr. Conti in going to the front. He told me that the consultants of the Reich Chamber of Physicians, that the reason for this was that his fundamental differences with Dr. Conti made profitable collaboration impossible. Later Dr. Gluck told me that Dr. Conti had refused his request, saying that during the war everyone had to remain at the post to which he had been assigned. Dr. Gluck decided in Dr. Gluck's office that during the course of a discussion with the chief of the Party Chancellery he had also put his office at their disposal. He had asked for another position, but this had been unsuccessful.

"11) On March 11, I did not have to read into the record the judicial notice be taken of it. It clarified the two contradictory lines of these two gentlemen concerning population policy. Then there follows number 12. It reads:

"12) It came to my knowledge during my work at the Reich Chamber of Physicians, that Dr. Dingeldey, one of the consultants of the Reich Chamber of Physicians, on his own initiative, talked to various influential persons

ditions of the Party, particularly the Reich Minister of the Interior, Dr. Frick, and Reichsleiter Rosenberg, in order to enlighten them about the views of the people, about the mismanagement inside the Party, and about the undisciplined behavior of leading Party personalities. Dr. Dingeldey himself repeatedly told me of these efforts of his and also informed me that he had previously discussed these steps with Dr. Gluck. Dr. Gluck had expressed complete agreement and said that Dr. Dingeldey, also was giving these explanations to the leading personalities, because he, Dr. Gluck, himself could not believe anything.

"15) Concerning the question of Professor Dr. Gluck's attitude to questions of medical professional ethics, I can, on the basis of my activity in the Reich Chamber of Physicians, swear to the following on oath: In discussions with myself and with the medical consultants, Dr. Gluck always stated that the laws of the medical professional ethics must be held high, doctors must take professional ethics the alpha and omega of the practice of their profession. For instance, he frequently compared the medical profession with the clergy, and said that even in distress never reveals himself to people in other matters as openly as he does to a priest or a doctor. It was therefore the physicians' duty wholly and fully to justify this faith which their patients put in them. I saw the physicians' duty not only to help their patients in their physical suffering, but also to assist and help them in their mental distress. Dr. Gluck agreed in this way not only to me but also to other doctors, when I happened to be present, and he expressed this in various of his speeches at which I was present."

(signed) "Wolfgang Wittmann"

Dr. Wittmann, at the beginning of his statement, in No. 3, states that from March 20, 1937 until the constitution he worked in the Reich Chamber of Physicians under Dr. Gluck. That is, then, Gluck Document No. 8, Exhibit 12.

Also, in the Supplemental Document Volume 1, of the Document 3 of Gluck, Document No. 10, Exhibit No. 15. This is an affidavit of Dr. Dingeldey, who was just mentioned in the affidavit just read. This

affidavit is sworn to by the signature of the duly certified. Dr. Binnsley and in his introduction that he was a librarian and consultant in the field of medicine; that he was born in 1893. I do not believe I have to read Dr. 1; it contains an outline of Dr. Binnsley's career. Dr. 2 I can say with confidence, I believe. It discusses Dr. Binnsley's official positions, which are in fact clear by the defendant's and other persons' testimony here. Dr. 3 concerns itself with the relations between Dr. Conti and his deputy, Dr. Binnsley, as follows:

"3) If I am asked on what terms Dr. Conti and his deputy Dr. Binnsley were with each other, I can only say from my own experience, that it was rather like a civil war, and that the differences of opinion between the two men were of a very extraordinary character. At the time, when Dr. Conti took on his position as Head of the State Medical Service, Dr. Binnsley pointedly advised us (the technical advisers of the State Medical Service), that it was a pity to ignore the fact that they the orders of the new Head, Dr. Conti. But shortly afterwards, relations between Dr. Binnsley and Dr. Conti became strained."

In the next paragraph of the report. It agrees with the previously stated facts of the witness. At the end of this paragraph:

"Dr. Binnsley, on the other hand, showed a frank and honest character. In the time when he was in contact with us, he treated us in a friendly way and we had no reason to doubt that he was certainly not dishonest with us."

"4) In the course of time, the relations between Dr. Conti and Dr. Binnsley were very strained. I have never present at private discussions between Dr. Conti and Dr. Binnsley, as I have never heard anything about them. Dr. Conti, however, talked to me on the subject of his official advice. Dr. Binnsley, on the other hand, took us into his confidence; he was filled with the difficulties resulting from his relations to Dr. Conti, that he referred to from time to time again."

and after opened his mouth to speak he used the words "my friends."
Through this information by Dr. Blom he then received confirmation
of the existing difficulties which we had already expected and feared
from the beginning.

"5) The main difference between Dr. Corti and Dr. Blom was with
regard to the way in which the medical profession was to be organized.
Dr. Blom always tried to free the medical profession from its organi-
zations as far as possible from party-political influences; he therefore
tried to dissolve the medical association of the Swiss Chamber of
Physicians (Physiker-Verein) and to create a new office of the Swiss Office
for Public Health (Verein für Public Health) because the latter
was a state-owned office. Dr. Corti, on the other hand, had a plan
for organizing the medical profession and of leading the physicians into
public offices. This plan was strongly opposed by Dr. Blom. He was
interested in maintaining the medical profession as an independent
organization."

In 11 with reading Dr. Blom's replies and I asked to take judicial notice
of it. It also describes, as it can be seen, the alterations of the
plan as between Corti and Dr. Blom. I continue now with Dr. 7:

"I myself joined the party before 1933, but of pure medical,
I was not involved in this..."

THE COURT: Could it be possible to have the important sections of this
document incorporated into the record without necessitating the reading
of it? In the court, as we have in Criminal No. 2, whereby the court
would have the record as amended by counsel and incorporate them into
the record to report to the jury of reading them later, as a time-saving
device?

THE COURT: I would advise the witness to not Criminal No. 2 as a
specific record. I think that if counsel for Defendant desires
to have the record as amended by counsel be allowed to do so. He will
be able to explain into the record that he does not deem necessary, I am sure.

Dr. Saffell; I at the same time, official notice of
No. 7 in which Dr. Saffell's efforts with the
provisional and on the part of him, his efforts to straighten
things out and to improve the relations with Dr. Genti
in which efforts, however, he was unsuccessful. I can send
no paragraph from their files:

Only Dr. Shaw, I think, had more self-control than I and did not demonstrate externally his disappointment about the development of the Hitler Revolution as I did. From numerous conversations which I had with Dr. Shaw after 1939 I know for certain that he, for his part, disliked the war policy of Hitler as much as I did.

But Mr. S. states the objection to the previous affidavit, namely, that Mr. S. does not state all these difficulties remain to this date why he did not simply withdraw. Since this is a simple matter, I think I need only refer to Title No. 8.

part of, I consider Dr. Glavin's attitude a very fair medical opinion. I should like to know what Walker, about Dr. Glavin's attitude toward the mental illness. From my own observations I can state the following: Dr. Glavin has a very high ethical opinion of the medical profession. - Weston told me that he himself, when, he went, showed physical signs; he was especially kind as a rule, and he is a kind, respectful, and a physician of his class. As far as the work with his scientific knowledge, and that a physician's duty is always to the cultural center of his village. He reportedly told me that the duty of a physician is always to help and to cure, and that whether there is any of the two "Christians or Jews."

This is a direct quotation from Mr. U. S.

"Once he said to me --" in a direct quotation:

"The thousand-year-old Reich may perish, but national science and national ethics will remain forever." By the "thousand-year-old Reich" he meant the Third Reich of Adolf Hitler. He always spoke of the thousand-year-old role of a national socialist.

"On an other occasion he said to me: "In a hundred years no one will speak of the Revolution or that but a great physician or scientist will be remembered in three hundred or four hundred years."

Ms. 10 is also of considerable value. It contains Long's
 attitude toward the Indians. In 1818 Long, in a letter on
 which the President's initials are written, says, Mr. 10:

"I have never been at the head of any of the divisions or the main technical office of the NSAS and anything to do officially with the question of Submarine. I know of the work of the main or advisory groups of technical officers as I was a director in this district committee. No important matters were discussed regularly by the technical advisers, sometimes at general conferences, but mainly, however, by the individual technical groups unofficially among themselves. If my office had been kept in touch with such an important matter as the technical work, it would certainly have been discussed repeatedly with the technical advisers.

"

My attention was drawn to the address problem for the first time during the war. I, a letter to Professor Dr. Klara -- "Oh, let me remind you that this is the same Dr. Klara whom I met in evidence, Document No. 2, Document No. 1, I for Klara. His affidavit now continues:

It is possible, I can write it easily in German. No

A... committee for children suffering from tuberculosis in Bavaria...
Illness, and I... his... representative of the pharmacy...
... This... into a lasting friendship...
... Professor Dr. K... Professor Dr. K...
... that he had heard... people were being killed in
the... and... this was being done secretly without any special
law. Professor Dr. K... was... and was of the
... this... problem... special law. In
... about the... problem... at that time I also saw
... which... with the... problem. I... asked:
... that the... of Physicians and its Deputy
Director, Dr. K... with... and did not receive
... also... played an important
... Secretary of the... of
...

... Dr. K...
... as much as in
... represented
... Dr. K... was not con-
... Secretary of the... of the
...

... It concerns matters of the population policy.
... of it.

... the... and the...
... of the... case.
... documents in
... authority to all the
... apparently.

... Counsel, the Tribunal now has the second supplement to
... 15 and 16. Counsel may offer
... 17.

tuberculosis if the disease is to be effectively combated, for certain groups of Hispanics can be the most effectively combated the earlier they are diagnosed. And Dr. Blane says in this connection that Germany has justly been very wise the right of letting practitioners practice so that not any quick or any immediate can have access to sick persons. He concludes with the words which I will read: "Science must remain science and must not become a mere will or religion and in the end it will be less irrepressible criticism."

Thereafter, Mr. President, I for the time being conclude my defense of the defendant Blane. I thank you for the large part of time that you have made available to me for this presentation.

THE PRESIDING JUDGE: Counsel reserves the right to offer further evidence in support of his defense, which privilege is reserved to him. I would like to make clear the matter. This document as admitted is admitted before the Tribunal, whether it is real or not, to the document becomes a part of the record in this case and is used by counsel for either side for any purpose -- as referred to in brief or argument or examination of witnesses. Correctly speaking, the Tribunal does not take judicial notice of such documents. It takes notice of documents which are in the record before the Tribunal, and the Tribunal in preparing its judgment, after consideration, gives to all evidence in the case such weight as the Tribunal feels they are entitled to. It is not a matter of judicial notice, but the term 'judicial notice' is used because, certain documents are matters which need not be offered in evidence, as in the case of the title of the document, or any documents. Now, certain documents of which the Tribunal takes judicial notice of that without requiring that they be offered in evidence. But, as to a document which has been offered and received in evidence, that is before the Tribunal for consideration, whether it is real or not, the record or not. Anything to that sort of documents of which the Tribunal takes judicial notice and the Article 10, Article 7, certain matters of common knowledge, and that is provided in paragraph 10 which governs this Tribunal's

procedure — that the Tribunal shall take judicial notice of such matters.
I am not ascertained from examining General I. 10 matters of which this
Tribunal does take judicial notice. I said the matter is of no particular
concern but is frequently so. Judicial notice is used when it is really
applicable to the particular situation in the cases in which it is used.

The Tribunal will recess until 1330.

particular I respect Brandt always supported me. When in difficult individual cases my efforts with Eimler were successful, then his continuous support and abetted helped to effect this through securing his interviews.

"If I have mentioned my efforts for securing justice in the above statement, then I say now to this the following remark:

"Already in 1942 I recognized the military defeat awaiting Germany. I tried by law I could influence to do what I possibly could in order to help to bring about the termination of the War. In my capacity as Chief of the German Foreign News Service I entered into numerous connections with foreign press entities for this purpose, people whom I would not like to name now for specific reasons. My name is, however, known in foreign circles, and indeed in connection with my attempts to end the War.

"I occasionally drew Emil Brandt's attention to the political aspects, even if he could not recognize the general aspects because of the lack of essential prerequisites in his education.

"As to Emil Brandt's character, about which I am entitled to give an accurate opinion, I remark what follows:

"Because of his ability as a perfect stenographer, his punctuality, his untiring diligence, as became Eimler's characteristic, always attainable, I could say positively, without any reservation, that Emil Brandt always exhibited the qualities of a writing mechanism; as only such a type of person can, on the one hand explain about being overworked, and on the other hand declare that he is able to produce 3000 to 4000 dictations per month. I frequently saw him step out of Eimler's room with many stenographers. His office, and in part Eimler's floor, was completely littered with documents. Emil Brandt Eimler was afraid of sending letters bearing his signature directly to a third person, dictated them to Emil Brandt in order to send them in an anonymous backround. Since Eimler showed only one side of his character to Brandt, and therefore understood how to attack Emil Brandt to himself in a psychologically very clever manner, Brandt too lost the ability to judge Eimler correctly. Emil Brandt has certainly frequented a

university but he has at the best an average general education, since during the course of the years he could not improve his education in consequence of his strenuous professional activities.

According to my conviction as Dr. Alf Brandt would never have been able to participate in any way whatever in offenses or crimes against humanity.

Amberly, 7 February, 1947.

Witness: signature and certificate.

THE PRESIDENT: Now could I notice in the translation in the third paragraph, the fourth line of the English document, referring to the Chief of Office IV, in the document was it was translated VI, which is correct?

DR. BRANDT: Six is right. But I ask that the witness being so called by the court.

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THE PRESIDENT: The Marshal will summon the witness, August Meine.

AUGUST MEINE, a witness, took the stand and testified as follows:

JUDGE SEHRING: Hold up your right hand and be sworn repeating: I swear by God, The Almighty and Conscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEHRING: You may be seated.

DIRECT EXAMINATION

BY DR. KAUFMANN:

Q. You are the witness, August Meine?

A. Yes.

Q. When were you born?

A. I was born on the 13th of October, 1916.

Q. Mr. Meine, you were one of the closest associates of Brandt for several years. You were often his Deputy. Now I should like to question you about a group of facts, and for that reason I shall ask you a few specific questions right away. I should like to know your observations you made on the staff of the Reichsfuehrer-SS. I should like to know how you saw the personality of Brandt, how you saw the personality of Himmler, and the influence which Himmler had on his environment, including Brandt. Finally I should like to know from you how the daily work on the personal staff was carried out, how Brandt worked specifically, how extensive his work was, and how his signature on very important documents can be explained. Would you please first explain your position in the personal department?

A. I was a Lieutenant in the German Army and had been transferred to the Waffen-SS when I entered the personal staff of Reichsfuehrer-SS Himmler on the 1st of November 1940. After having had six weeks to get used to the work, I represented Dr. Brandt for the first time for a period of fourteen days. Since this experiment was successful, it was intended that I should be able to represent him even in the future. The division of my work apart from those periods where I represented him, after Himmler

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Since the middle of 1941 had removed his headquarters from Berlin, was sent I was to be in charge of the office at Berlin, and then, after November, 1943, after we had been bombed out in Berlin, I was to take over the evacuated office of the personal staff of Hitler. There I had assembled most of the clerks and a few coll borators, whereas Dr. Brandt was continually escorting Hitler himself. Finally I was promoted to SS-Sturmhauffuhrer, a position which corresponds to the rank of a major.

4. In order to make your position clear, and in order to explain to the Tribunal what the personal staff of Reichsfuhrer Hitler looked like, I shall now show you a sketch prepared by Rudolf Brandt and ask you to comment on this sketch and perhaps explain it briefly.

DR. KAUFMANN: In my document book, Mr. President, this sketch is on page 1. I offer it as Exhibit Rudolf Brandt No. 2.

MR. HARDY: May it please Your Honor, this sketch that is being offered as Exhibit No. 1, I have no objection as to the admission of this into evidence, but it seems to me that it could contain the names of the people that held down the various jobs. He has the titles of the various organizations, but it is going to be rather difficult for the prosecution and I presume the Tribunal to follow the organizational setup without the names of the personalities fitting into each block. I wonder if it would be possible to have a chart of this type made later and perhaps submitted with the names of the particular people there.

DR. KAUFMANN: Mr. President, of course I can fulfill the wish of the Prosecutor, but I don't believe that will be necessary. I think it would be enough if the Tribunal sees in general how the personal staff was organized. In my opinion, the names of the individual persons are not important. I would only hamper the Tribunal if names were given because these names were constantly changing, of course; but, as I have said, I will be glad to fulfill this wish especially if it is also the wish of the Tribunal to have these names given.

THE PRESIDENT: I think it might be convenient to the Tribunal if at least some of the higher names were filled in so that one could get

21 Mar 47-4 - 14-3 - LSG - Fatty (Int. von Schoen, Rindler)

an idea from whom the chart stems.

BY DR. KATZMAN:

Q. Witness, would you be in a position in spite of the complicated nature of the personal staff to say which people held those various positions?

A. Yes.

Q. Do you have the chart?

A. No.

Q. One preliminary question, Mr. Weiss, what you have before you is the personal staff of the Reichsfuehrer-SS Himmler, is that true?

A. Yes.

Q. Is it also true that this entire personal staff was a so-called Main Office, Hauptamt?

A. It was considered to be a Main Office, but this staff had a different meaning.

Q. May I ask one more question first: how many such Main Offices were there in Germany?

A. The Reichsfuehrung-SS was composed of twelve Main Offices. The personal staff was one of those Main Offices.

Q. How many persons were there in this personal staff of Himmler, approximately?

A. Approximately five hundred persons, but this figure fluctuated during the course of the war since a number of tasks received more emphasis while other tasks had to be neglected.

Q. Now please explain this sketch in a few words.

A. Yes. May I say at first that the personal staff comprised the immediate circle of collaborators of Himmler, upon whom he relied for his personal dealing with his own affairs, and in addition, a number of agencies which for material reasons could not be placed in the other Main Offices, and for that reason, for reasons of simplicity, were attached to this personal staff.

Q. What was the name of the Chief of the personal staff?

A. The name of the Chief of the personal staff was SS-Obergruppenführer Wolf. He only held this position up to the time he received a command in Italy. As far as I remember, that happened towards the end of '43.

Q. And after 1943 who was Chief of the personal staff?

A. Afterwards nobody became Chief of the personal staff. The tasks as far as they could not be dealt with by Himmler personally, were dealt with by the Chief of Staff, SS-Standartenführer Baumert --

Q. Please look at the sketch and explain whether the next box with the word "Stabsführer", staff manager, whether that was the person you have just mentioned?

A. The box "Stabsführer", staff manager, was held by SS-Standartenführer Baumert.

Q. What was the position of the Stabsführer?

A. He was responsible for personnel matters concerning the entire staff. He was in charge of the budget of vehicles, transportation, and moreover, was the disciplinary superior of all the members of the staff. That applied to male and female members of the staff.

Q. Now, please explain the next row.

A. The next row comprised the offices which dealt with special tasks, tasks to which Himmler attached value, and which had not found a place in the other main Offices. Starting from the left-hand side we find the office department which concerned itself with the scientific hobbies of Himmler. That is pre-historical research work there and other literary research work originating from Germanic culture in which Himmler was interested.

part I

Q Do you know who was in charge of this office?

A Yes, this office, "Annenorbe" had a president and that was under himself. Then it had a scientific curator, who was a university professor, Dr. Thust. The latter was a director of the University of Munich. In addition, this office had a business manager, who was SS-Standartenfuhrer Wolfram Sielers.

Q I think that will be enough. Now go on to the next office.

A The second office was the "Raw Materials Office". When, during the course of the war, there and there spheres of high activity were dealt with by the State in an increasing measure, the Reichsfuhrer-SS deemed it to be important to see that not every Main Office should register their needs with the authorities on their own behalf, but that all these applications and requests be centralized in one spot and from there to be sent on to the Ministry of Economics or the Ministry of Armaments or the Agency for the Four Year Plan.

Q Who was the head of this office?

A The head of this office was SS-Standartenfuhrer Kloth.

Q That will be enough.

A Yes.

Q Now the next one.

A The next office comprised a castle in Westphalia where the Reichsfuhrer-SS collected a number of valuables of a historic and artistic nature. This was intended by him as a place of meeting with high SS leaders. However, that never came into effect during the war. The castle hadn't been finished yet.

Q And who was head of this?

A The head was SS-Obergruppenfuhrer Tabor. The next office is the "Totenkinder." This office dealt with the care for mothers of illegitimate children. It had a number of maternity homes in Germany, where women were cared for a few weeks pre-natally and after their children were brought into the world. The head of this office was SS-Standartenfuhrer Max Schram. 1005

The next office, the Office 'F-brecker', dealt with tasks of an architectural nature, and interior architectural nature. It drafted furniture for factories and made plans in connection with other house furniture which was needed for the SS. - The head of this office was Sturmbannführer F-brecker - the name is spelled in the report. Connected with that was the Office "Tisch", where drafts were worked out for porcelain objects which were manufactured in the porcelain factories owned by the SS. The head of this office was SS-Oberführer Tisch. But this man spent a great number of the War years with the army, that this office was also under the previously mentioned officer, Sturmbannführer F-brecker.

Q The so-called main sections which fall under, the main departments in the earth row - did they also have chiefs whom you could name?

A Yes. The main departments listed in the next row comprised the departments of Hitler, those other persons in whom he relied for the handling of his personal affairs. It starts with the Main Department "Policy," which was divided into the departments, which were independent of each other. On the one hand there was the Registry for Top Secret Matters and there was the Registry for Public or Open Directives. The head of the SS-Sturmbannführer Trebsch.

Then followed the Main Department "Administration," which dealt with the matter for the personal staff. The head was an SS-Obersturmbannführer, [unclear].

The next department was 'Economic Aid'. This office originated from the time when the Reichsführer-SS planned special measures intended for the SS members who had come into economic need, not by their own fault. The office handled loans to a large extent. The head was an SS-Sturmbannführer, [unclear].

Q. Before you discuss the personal department I would suggest that you first deal with the other main departments and that we come back to the personal department, and discuss it at the end.

A. Very well. The Main Department "Staff Leaders Office", (Stabsfuhrung), comprised the collaborators which were used by the staff manager when dealing with his disciplinary tasks. There is no special name to be mentioned in connection with that office. Then follows the Chief adjutant's Office which received all of Himmler's visitors and in addition constantly accompanied Himmler's official journeys. After 1942 it dealt also with military tasks as far as they concerned divisions of the Waffen-SS at the front. This main department maintained direct contact with the SS Operational Main Office (SS Führungshauptamt) which was the highest operational office for the Waffen-SS. The head of this main department was SS-Obersturmbannführer Grothmann.

Q. I have one question to ask here. You just said that the Chief adjutant's Office had direct connection with the SS Operational Office (SS Führungshauptamt)?

A. Yes.

Q. Who was head of the SS Operational Office?

A. That was SS-Obergruppenführer Justinger. The next is the Main Department "SS Judges". When in the course of the war the Waffen SS was built up, the SS and police jurisdiction extended largely. Himmler wanted to have SS judges in his vicinity who would be in a position to report to him about the current cases and who would be able to get his decisions. The head of that department was SS-Oberführer Bender. This main department maintained a direct contact with the Main Judge's Department of the SS. (Hauptamt "SS Gericht")

Q. Who was the head of the office which you have just mentioned?

A. Excuse me. I only know the name of the first head, who died in the year 1942. This was SS-Obergruppenführer Scharfe, and I now remember that the later head was SS-Obergruppenführer Breithaupt.

Q. Please go on.

A. Now we deal with the Main Department Police Adjutant's Office. From the time on when Himmler had become Chief of the German Police, which was 17 July 1936, he had a special adjutant who dealt with all police matters. This man maintained direct contact with the Main Department "Order Police" (Ordnungspolizei) and with the Main Department Security Police, the so-called Reich Security Main Office (RSMA). The head of this Main Department was SS-Obersturmbannfuhrer, and Lieutenant-Colonel of the Order Police, Suchanek.

The next main department only existed as long as SS-Obergruppenfuhrer Heide was Chief of the Personal Staff, that is, until the end of the year 1943. The head of this department at the last was SS-Hauptsturmfuhrer Beckenstaller.

The next main department, the Personnel Department, dealt with personnel matters of all members of the personal staff. I am sorry, I forgot the name of the head of this department.

Then we have the Department Awards and Guests, which originally dealt with all awards which were received by SS members in war or peace time. However, this department decreased in importance during the war or peace time. However, this department decreased in importance during the war and finally ceased to exist altogether. These tasks were then dealt with by the General Main Department, the SS-Personnel Main Office, the head of which was SS-Obergruppenfuhrer von Hart.

The last department was to pass special wishes of Himmler on to the press. This department was also to supply him daily with German press reports. The head of this department changed frequently, it was mostly a young journalist, so that it is hardly possible to name the responsible man.

Q. And now we come to the Personal Department. Rudolf Brandt was the head of that. Will you please tell us first how large this Personal Department was, numerically -- how many people there were?

A. It comprised between 16 and 20 people. After Himmler had moved

into his permanent headquarters, four or five of these people stayed with Dr. Brandt, whereas the other ten or fifteen were with me in Bar In or at the Evacuation Post.

Q. Could you tell us in one or two sentences what the subject of the work of this Personal Department was?

A. I believe I can differentiate between four groups. First, all of the matters of the General-SS (Allgemeine SS) Group. Himmler had given the right to the 15,000 oldest members of the SS to avail themselves of the opportunity of approaching him at all times, directly. This was an opportunity which was made use of very frequently. In addition, in every case where an SS member had died or fallen during the war, Himmler received a report about his family's situation and what kind of help was given by the SS in that case. These events in themselves amounted to hundreds or even thousands during the course of one month. In addition, in cases where a fourth or fifth child was born to an SS member, personal congratulations were sent by Himmler. Himmler also approved every marriage so that daily there were ten to fifteen marriage applications which had to be submitted to him. In addition to that were the numerous presents which he gave--presents of porcelain, fruit juices, children's candies, books, and all sorts of other things.

The second group comprised applications coming from the German people. There were mostly requests for help or requests for advice in family matters. It frequently occurred that these applicants had other applications dealing in other agencies of the Reich, and asked for the support of the SS on their behalf.

The third group comprised proposals of all kinds. It happened very frequently that men and women, belonging to the German people, who had acquaintances in the SS,

felt the need to tell Himmler about their thoughts of their suggestions.

The last group finally comprised the official correspondence, that is, the contact with all agencies of the Reich and the Party, and especially the contact with the other main departments, with the exception of the 4 main departments which I already excepted when speaking about the chart. We had to exclude 4 offices of the 12 main offices, that is, the Reich Security Main Office, the Main Office Order Police, the Main Office SS Court, and the Operational Main Office.

Q. Now is it correct, witness, that Himmler drew a sharp distinction in the Personal Department between those fields which you have just mentioned, and the Police matters?

A. Yes. It was one of his principles to make a strict distinction between those matters. It happened sometimes that our attention was drawn to Police affairs by reason of the applications that came from the public, and I would have been very glad to follow up the further dealing with those matters in the Police sphere; Himmler, however, attached great value to see that we only approached the Police Adjutant who had to deal with our business.

Q. So that Brant transferred all police matters to the man in charge?

A. All police matters were transferred to the Police Adjutant who had his own registry at his disposal. Matters concerning the police were not carried within the general registry of the Personal Staff.

Q. Now, witness, Brant had to work with all these things which you have just listed?

A. Yes.

Q. As Chief of the Office?

A. Yes.

Q. Was that a great deal of work?

A. I may perhaps clarify that by giving you a few figures. During the war there were, as a rule, 8,000 to 10,000 letters emanating from our Adjutant per month. Himmler signed perhaps 500 of these letters.

never more than that. Dr. Brandt signed perhaps 3,000 to 4,000 letters per month, that is, a hundred or more per day. In my case it was a little less and fluctuated between 2,500 and 3,000. The rest, about 1,500 were taken care of by my collaborators, and these were matters of minor importance.

Q. Now, witness, I should like to attempt to make it clear to the Tribunal how it came about that Brandt signed very important documents. Will you please tell us what a normal working day was from morning to evening, what observation you made, and what Brandt's active part was?

A. Apart from the times when I had to represent him, I often went to the Field Command, since I had to receive all the visitors in Berlin to whom Hitler wanted to speak personally. These were often matters concerning family affairs. I took the opportunity to report the applications of these people collectively to Dr. Brandt so that he could sign them in those few minutes. During those occasions I often experienced how a day of work passed for him. In addition, I myself was subject to similar conditions of work whenever I represented him. Dr. Brandt slept very little. He could rarely be found at his desk at 7:00 o'clock in the morning. Then he looked at his agenda, his notes and at his notebook in order to check whether he forgot any urgent request of the previous day. In addition he dictated a number of letters to his secretary.

Q What direct assistants did Brandt have?

Brandt had a secretary and a younger collaborator of mine. In addition, he had an office messenger boy.

Go in and describe the day.

At approximately 9:30 the courier train arrived with the mail.

Q Where did the train come from?

It came from Berlin and was destined to go to all headquarters in East Prussia. That is, not only Himmler's, but also Goering's, Ribbentrop's, and Hitler's own quarters itself. Dr. Brandt then had to sort the mail. That is, matters dealing with press affairs, as well as for marriages, family letters meant for Himmler personally. Also, his secret mail had to be sorted out from the other mail. And all these letters which were meant had to be checked in order to see whether they were to be directed to Himmler himself. With age they personally were addressed to Brandt they may still have required Himmler's personal attention. He often didn't finish that because Himmler often invited him to breakfast. Himmler slept eight hours per day as a rule. And since he usually in a position to go to bed very late at night, he hardly returned before 9 to 9:30 in the morning. The first one of his collaborators he saw on the occasion of his breakfast was Dr. Brandt. During that breakfast Himmler gave Brandt his first orders; to send teletypes, to register telephone calls, or to write letters sometimes. These are matters which Himmler had considered during the course of the night. Immediately after breakfast Himmler wanted to see his entire mail so that he did not waste press, for time because he couldn't deal with that before breakfast. In addition he had to report about his own mail, too. Himmler was in the habit of wanting to decide all matters by himself. Therefore, this mail comprised a number of handwritten letters, the contents of which were reported to him by Brandt since the reading of these letters would have taken up too much of Himmler's time. Afterwards - well, not before he started approaching me in time and Brandt had to take care of it before he came to him during breakfast and, in addition, register telephone conversations. I took over the rest of the mail and sorted it out. Lunch

was usually at 1400 hours. During that Hinder, for the first time, saw all these persons who had ordered to attend conferences for that day. Lunch usually lasted for three quarters of an hour. Then Brant usually had difficulties with time because, on the one side, the mail came from the Ministry of the Interior was just coming to his desk and, in addition, the visitors which had been ordered to see Hinder, in over-estimation of Dr. Brant, personally thought that they owed him a visit, too. It was often painful to watch how Dr. Brant, who himself wasn't very versatile, who was rather awkward, and in addition didn't have much opportunity to tell these people how little time he really had for them. In addition the gentlemen from the various offices waited, who had brought the mail to Hinder's office and wanted to speak about a number of details. Dr. Brant could only help himself by writing all these matters into his stenographic notebook, hoping that when bringing this mail to Hinder he would find the right note at the right moment.

Q Now, when did Hinder dictate his letters?

A That varied, his quietest time. I think was either late at night, but he really didn't like to dictate then because he didn't want to bother his secretary. He mostly dictated during the morning hours, after Dr. Brant had already brought his mail to him. He often dealt with it immediately, and as it happened that the letters which were written by the secretary during the night, if the officers had only received Hinder's signature at the last moment when the messenger already waited for the mail to go to Berlin. Hinder attached value to mail being transported in the speediest manner. Dr. Brant received the file of letters which were signed by Hinder only at the very last moment, and was then able to sign the copies. Hinder sent often many letters simultaneously to a number of agencies but he only signed one and left the rest to Dr. Brant. During the time I represented Brant. It was often only possible to sign very hastily since the messengers were already waiting at the train. I can recall a number of cases where the train had either to be stopped, or that I of course was a difficult matter because the train was already waiting for Hitler, Goering and Ribbentrop, as I said and before;

that we had to send a car to catch up with the train, a car that had to cover hundreds of kilometers at a time, to catch up with some train at some other station. The telephone conversations of Dr. Brant were very numerous. I can remember that during the time I represented him, I now had between sixty and seventy telephone conversations, and it is to be assumed that the number of telephone conversations in the case of Brant at least was equally high.

Q Now, witness, you said that secret mail was also received and that this secret mail was shown to Himmler immediately. Is that true?

A Yes. Himmler attached great value to receiving mail with it being.

Q Now, after such secret mail arrived, it was possibly shown to Adolf Brant immediately?

A Yes. The folders were opened, and the mail contained therein was put in Dr. Brant's desk, and he then saw to it that the top secret matters were immediately turned over to Himmler's batch of mail, inasmuch as when top secret matters were addressed to Himmler personally. Of course, there were top secret matters addressed to Dr. Brant, which he himself opened. In the case of secret mail the following measures were applied: In the cases where the letters bore Himmler's address, and only the secret stamp then Dr. Brant would open them. If, however, in addition they bore the remark "personally" then they were treated as very top secret matters (Geheime Reichssachen).

Q By personally, you mean for Himmler personally?

A Yes, in that the address was to "Heinrich Himmler, personally."

Q Now, witness, you observe how Adolf Brant worked daily. Can you tell us in what way he dealt with this mail which you say he very much received? Could you say that in general he studied the incoming letters, especially as he looks at a letter which he receives in the course of day, that he considered them and reached a decision? Or what are your conditions?

A Considering the extent of the incoming mail which alone was submitted by us, because, in addition to having to consider the letters

came from the Ministry office, and considering the great value which Himmler attached to receiving the letters immediately, it was completely out of the question for him to read all these things. In the rule, and that was true in my case, too, he merely read the most important words, and once he found out that this letter was meant for Himmler personally he put it aside immediately. Now which was really read by Dr. Brandt, as far as I observed, comprised all those letters which he didn't have to submit. He was able only to look through these letters late at night, mostly after supper. Then he also dealt with dictations as far as he himself had to dictate any letters.

Now, how about the outgoing mail? The letters which Himmler signed personally which were sent to Rudolf Brandt, be it a copy of an accompanying letter, to third persons? Did you assume something of the same nature or what were your observations here?

A. I already attempted to describe what the procedure was with these signatures which Himmler made before the departure of the courier train. There as a rule it was impossible to study these orders or letters by Himmler. It sufficed for us to see that Himmler has given his signature. After that he expected us to take the rest of the work from him and sign the copies meant for other offices.

Q. But you concede that Rudolf Brandt read more carefully the letters which were addressed to him?

A. As far as he did not recognize already in the morning when working at the letters that his address was only used instead of Himmler's address, and so far as he did not submit the letters which were directed to him, he read it, but he only had time to do that late at night.

Q. Did you observe that Himmler dictated letters and then told the secretary she was not to sign it with Himmler's name but the name of Rudolf Brandt, and why did he do that, if he did?

A. I had that experience at first in my case. I was very surprised at first to receive teletypes which contained orders by Himmler and were by signature, although up to that time I had no knowledge of them whatsoever. That can be explained by the fact that Himmler made an enormous amount of decisions personally. This procedure on the other hand he did not like to admit towards men of a lower rank, that is, if he was not concerned with the chiefs of the department but just ordinary men in the SS.

Q. You mean to say if I understand you correctly that he put his signature on letters only if they were to important people of the Party or the SS?

A. Yes, that was the rule because they had to be people who even finally could expect to get signatures from him. Otherwise he often sought this way out. When I found that out in my case, I also make the same reservation in the case of Rudolf Brandt.

Q. Now, I believe we have spoken enough about the technical way in which the mail was handled. Now I should like to ask you what

Brandt's position in the personal department really was. It has been repeatedly said here that he had the position of an adviser to Hitler. Did you make any observations in this respect? What can you tell us?

A. I was once personal witness of one such a report on mail by Dr. Brandt when submitting mail. I was very uncertain of myself and I wanted to know how he was dealing with this report in order to get some idea of how it was done. I can remember exactly that on the one hand I was very depressed and on the other hand I was quite satisfied. I could not observe any advisory aid on the part of Dr. Brandt during that report on mail. The observation I made was that Hitler gave Brandt his orders in the same short manner according to the contents of the letter, as he did in my case too. I think that it is completely out of the question that Dr. Brandt was Hitler's adviser. I am convinced on the other hand that considering his extraordinary stenographic ability he was an extraordinary stenographer. Dr. Brandt was one of the most skillful stenographers of Germany. That dates back to his youth.

Q. Do you want to say anything else?

A. Yes, I want to supplement this description by citing an experience which I had in the year 1941, that is, after the war had started against Russia. When the war started Hitler prohibited Brandt from taking any female secretaries along with him. In that case there was neither a secretary for Hitler nor for Brandt. Hitler expected Brandt to use all of the help of our office and deal with all additional work. At that time I was detailed to the front in Russia where I received a letter from Dr. Brandt where he complained about this additional overburden of work in a very distressed manner. I was very glad not to be there at the time and I merely sympathized with him.

Q. How did he type these things himself or what did he do?

A. He then had to take all shorthand dictations from Hitler and then had to re-dictate them to one of our younger workers. Of course, he did not type himself.

Q. How long was Brandt's working day?

A. It started at seven o'clock in the morning and ended rarely before midnight, sometimes even later. As a rule I only got to bed at one or two o'clock at night. Himmler expected us to be ready for work just as long as he was still up and was staying behind his desk.

Q. Do you want to maintain the statement that you have just made, even if one considers that Rudolf Brandt formally had a rather high position. He was a Standartenfuhrer after all and was the so-called head of the Ministerial office and had a position of ministerial councillor and an outsider hearing these titles would consider it quite unlikely that Brandt would be employed just as a first stenographer.

A. I am quite clear in my mind that this description sounds very improbable, but I can only describe it as it actually was. I hope that during the course of your further questions I shall have the opportunity to show because of what psychological reasons it is explained in Brandt's nature himself that this situation arose. But a great influence on that was exercised by the ^{special} method of work used by Himmler. Dr. Brandt, for instance, was never a participant in any conference. He would have immediately told me about any such event as being something extraordinary, or I would have heard it from some of the other workers there. It was the rule that during any conferences of Himmler Dr. Brandt might perhaps be called in to the conference room at some time during the conference in order to receive any order, or it is probable that after the end of such a conference Himmler would call him and would shortly dictate the points which came up during the conference. He would dictate the essential contents of any letters in cases where ^{not} Himmler but Dr. Brandt had to pass on the result of any such conferences.

Q. Now were your observations concerning the confidentiality of the contents of the files; that is I am speaking of the case where certain files were shown to Rudolf Brandt and that Himmler had conferences on the subject of such files; now I ask you whether the contents of the files alone, with knowledge of the conferences, would make it clear exactly what it was about?

A. No, the connection was only apparent in very rare cases, not as a rule, that can be explained by the division of these two registries. Himmler did not have to recognize any connections of matters from the files, he got it all during conferences, or it came from his own head whenever he had to give any orders. I was often very dissatisfied about the fact that so little could be seen from the files. I only cite as example the institution of the voluntary divisions of the Waffen SS, an institution which comprised soldiers from numerous European countries.

Q. Will you please go brief in answering this question?

A. Yes, I just want to say I was often reproached of saying, comrades tell me, "How come you don't know that, you are with Himmler." As a result from the files no connection could be realized. In addition, considering the very influx of mail, very extensive correspondence could hardly be read, and they could only be read at times when Himmler was temporarily done with them and sent them back for reading.

Q. Now, witness, in the daily mail did you see incoming letters dealing with medical experiments or medical research with the use of human beings?

A. I can remember no such ones: Dr. Hentschel thought that they had used a special drug against tuberculosis and then carried on accordingly experiments in Grossenburg, therefore I found indications which led me to believe that medical experiments were carried out on human beings within the SS. I believe it is still to say that these matters, of which I now gained knowledge in the Swiss documents, must have been completely on the periphery of Dr. Brandt's sphere of work.

Q. Then how do you explain the fact that certain letters went through the hands of Brandt and continued his work, and these dealt with human experiments? Is this have something to do with his special high position or because he

was considered a confidant of Himmler; or what explanation can you give us?

A. I now have had an opportunity to look through the Documents here and I have had an opportunity to gain knowledge about the subject matter. I have been thinking for a long time now how it could have been possible that these letters did not come to my knowledge and I believe that I am able to say that on the one hand the extraordinarily strict secrecy exercised by Himmler played the decisive role and that on the other hand there were also a few technical factors which have to be taken into consideration. I...

Q. Do you have something else to say then Mr. Meink? Then I should like to ask you about something else. You worked for years in the environments of Himmler and Brandt, now I should like to ask you what influence did the personality of Himmler have on his close environment including himself Brandt?

A. That is a very difficult question for me to answer, for we have now learned how Himmler distorted the picture of humanity, how he violated the fundamental principles of humanity, the principles on which our entire European culture is based.

If I am now to state what influence Himmler exercised on those people who with pure consciences and pure hearts approached him and got to know him more closely, I am forced to tell about impressions that I had and to cite experiences which are completely in contradiction to what terrible things we know about him today. Since May of 1945 when I was interned in a British Internment Camp, I asked myself more than once, and I considered seriously, how it could have come about that we had not realized these things earlier, how it could have been possible that he misinterpreted the character of Himmler so fundamentally. I asked myself whether I was the victim of an illusion, and it was a decisive question for my own moral existence to gain certainty whether I could rely on my heart or brain, or whether I had also to run the danger of making such a catastrophic error in the future.

As terrible as it may be and today, I can only say that by personally talking with Himmler, and by his utterances and talking there was no indication that he would lead me to recognize those terrible methods which he used in order to arrive at these aims, which he seemed to represent in such a pure

and dignified manner before our eyes.

New and again my attention was drawn to reports by the foreign press and radio, but the examinations which were carried on regularly on order of Hinder have always proven the ineffectiveness of such reports. I therefore regret to have to say that these reports were no longer credible for us. In addition to that were our memories of the horror stories of the First World War, therefore, the reports of this last world war did not seem credible either. Hinder's personal manner was without fear. I experienced that during the heavy bombing attack in the year of 1944. He was always ready to help, always polite, always sympathetic toward us and he was always ready to speak to us and express his thought. Hinder was a brilliant conversationist, at no time was he a fanatic, he was always generous and ready to appreciate someone else's opinion, that was true in the case of officers of scientists, officials or SS leaders. They often told me how happy we can be that we had the opportunity to work in the vicinity of such a man.

When Hinder developed his thoughts everything had a logical significance. Everything was a matter of course, he did not shy from approaching such questions which came up during the war to every responsible human being. It was often apparent how he helped his listeners, how he relieved them of the burden which was on them by merely expressing his thoughts. It was interesting to hear his attitude toward religion and the individual freedom of conscience among beings. He considered the concentration camps as a sharp instrument for the execution of stern political necessities. He said at the same time, however, that there was an enormous responsibility connected with him on that account. It was interesting to hear the way in which he saw the problem of the German race and how he clearly and unequivocally rejected the thought of the claim for German leadership. Everyone of his thoughts were enlightening and convincing and showed Hinder in our eyes as a man who although honest heart endeavored to deal with the questions of our times and was trying to find a way in which he could justify to himself and his own conscience.

I could prove these assertions by giving many examples, examples which I cannot exactly. Since a growing young man, I wanted to understand under all

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circumstances how the world reflected itself in the mind of that man.
I saw nothing wrong in that.

Q. Did he talk to you about the question of concentration camps and experiments on human beings; did he discuss it with you perhaps?

A. Never about experiments. In the Spring of 1942 after having returned from Russia as a soldier I asked him about concentration camps. I told him at that time that I could not understand how we could burden ourselves with concentration camps and with all this police organization where we in the SS had to set a good example, and where the educational aim which we set ourselves in the SS was to extend throughout the German Reich and was to use every bit of energy of the SS. He became very thoughtful then and tried to explain to me for what reasons the institution of concentration camps was necessary.

Q. Witness, may I interrupt you for a moment. Himmler was considered by large sections of the German population as a man of great severity and ruthlessness. I will not determine the year in which this opinion was held -- but I ask you, was this opinion not shared by the Germans at all -- by you and many?

A. Yes, but we made a different experience personally.

Q. And you would report what you have just said?

A. Yes.

Q. Or do you want to explain it?

A. I want to continue in my description of Himmler. I want to say --

Q. NOW: Why is that so your Honor -- this character of Himmler is immaterial in this trial. Unfortunately we don't have Heinrich Himmler in the dock. I think the Court should find him himself to testify pertaining to the facts of this trial.

A. NOW: May I say something about that, Mr. President?

I must feared that the prosecution would raise this objection - but then, I believe one cannot see this case properly; this case lies not only on outer objective side - but this case of Brant with its many signatures on those terrible documents - lies on internal significant side too, and no one understands it only - can understand how he came to make mistakes only if one sees under what influence he was. His witness does not intend to say anything about Taylor for which he cannot take the responsibility, and he sets himself absolutely at distance from Rindler, and he describes only what he has observed, and he tells us how Rindler, with his peculiar nature, influenced his environment, and how he was able to draw Brant in his spell. Brant became a victim of Rindler. That is one side of my defense, as I see it, and I would not be able to carry out this defense, if I were not permitted to go through the mouth of this witness how this terrible man Rindler was able to give an entirely different impression of himself to his environment. And besides, we have nearly finished.

THE PRESIDENT: The tribunal understands the pertinence, and the value of this testimony as relevant to the opinion of the character of the defendant himself Brant. For that reason we have permitted the witness to continue to testify concerning Rindler but it would soon quite appropriate to suggest that it might be more fairly appropriate and covered. Counsel may proceed.

MR. CUSHMAN: Mr. President, I thank you. I shall go on to another subject now.

MR. KAUFMAN:

Witness, you knew Brant for years; you were able to serve him freely, and I assume that you know him as a person. Perhaps you can tell us some observation of how he

thought concerning the problem of infinity. The documents which we have here in themselves are very inoperative. But what can you tell us of Dr. Brant's personality? Did you see Brant; would you ever have expected him to take an active part in such crimes as against humanity? That would serve as my last question.

Q. Dr. Brant could with the numerous plans coming from the German - 1944, with great love, would there be attendance to see that not one of those plans was overlooked, if several points were mentioned in the same letter. In the beginning I was told careful with Brant when I dealt with these questions -- and I was often corrected with on that score. He often told me whether I was in a position -- to place myself in the position of those people who, who filled with confidence, are expressing a plan in which I was just dealing with in a superficial manner. Dr. Brant was always very anxious to see that everything was settled peacefully. He was anxious to see that quarrels were avoided. I was often in a position to observe that he preferred his advantage to himself rather than to give it to anyone else. In addition, he was modest in his way of life. Dr. Brant never owned a car. He never owned his own house. He lived a life -- he, because he wasn't considered as an officer, was in a worse position than some of the other rankers were in the staff. He was the poorest man I met at that time. As I hear him say that he was not so young in his house. He didn't talk. He didn't care for alcohol. As for the thought of going over parties to the crime -- it shall be our goal.

Q. I have no further questions.

A. THE TRIAL WILL NOW RECESS UNTIL 1950

SI 100 17-1-20-4-Biolaf - Int: 7-100
Part 70. 2

Salack: n. morning.

(The trial will recess until 24 L. p. 47
at 0930 hours.)

Official Transcript of the American Military
Tribunal I in the Matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nuremberg, Germany, on
24 March 1947, 0930, Justice Wells presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are
all present in court.

THE MARSHAL: May it please your Honor, all defendants are present
in the court.

THE PRESIDENT: The Secretary-General will note for the record
the presence of all the defendants in court.

Counsel may proceed.

AUGUST HEINE - Counsel.

THE PRESIDENT: Defense counsel has no further direct, your
Honor. I would like to cross examine at this time.

THE PRESIDENT: The witness August Heine is still on the stand. The
witness is reminded that he is still under oath.

CROSS EXAMINATION.

THE PRESIDENT:

Q. Witness, the Defendant Rudolf Brandt in his capacity as chief of the
staff of the personnel staff to Himmler had the authority to sign letters
in name on behalf of Himmler, did he not?

A. Yes, your Honor ordered him to.

Q. Is it correct that you in your capacity in that same office had the
authority to sign letters or orders in behalf of Himmler?

A. I had that only if Himmler ordered me to, in other words, when I was representing Dr. Brandt.

Q. How far did this authority of Rudolf Brandt or yourself acting instead of Rudolf Brandt, extend, that is, did Rudolf Brandt sign letters or orders on behalf of Himmler pertaining to top secret and secret matters?

A. That can't be answered in general. That depended on whether Himmler issued the necessary order. I had no right at all, for example, during Himmler's absence, to issue any orders for him and I am convinced that the Defendant Rudolf Brandt also did not have such plenipotentiary power.

Q. Now, did the Defendant Rudolf Brandt have the authority to sign Himmler's name?

A. I have just said that when Himmler was absent he did not have that right. A necessary prerequisite was an order from Himmler.

Q. You have stated in the course of your direct examination that you have perused several of the documents in evidence in this case, and no doubt you have seen many documents which contain the signature of Rudolf Brandt. These documents were in the form of orders, in many instances they followed instructions and others. Now, to what extent could Rudolf Brandt issue orders himself?

A. On his own Dr. Brandt could not issue any orders.

Q. We have in evidence, witness, several instances where Rudolf Brandt has signed orders issuing instructions to men like Dr. Rascher for instance. How do you account for such a thing as that?

A. In my testimony on Friday I tried to make it clear according to my recollection Himmler did his work, and how in the technical aspect what Rudolf Brandt's work was, and what mine was when I represented him. I pointed out at the time that Himmler did not always wish to appear under my name. It frequently happened to me that he gave me an order to submit to another office and told me that he was not going to sign it

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but that I myself was to sign it, if this letter for example, was not directed to a chief of a main office. But the essential point is that even in the case of those letters that I personally signed, the contents of the letter had been determined by Himmler. And in most of the cases he formulated those contents so precisely that I simply had to add either the salutation or the conclusion. And I believe this must also have been the case with Dr. Brandt. I have already mentioned that I was once present when he delivered a report about his jail.

Q. Witness, I believe in direct examination you stated that any of the particulars concerning the subject which is at issue here in this case were not known to you during the time that you were in the personal office. Now, as you know from the indictment the prosecution has charged that freezing and high altitude experiments were conducted at the Dachau concentration camp. Did you ever hear about these when you were working in the office of "Adolf" Brandt?

A. I did know that the Reichsfuehrer-SS had given Stabsarzt Dr. Wehrer the opportunity to carry out experiments but I did not know any of the details.

Q. You had no idea that these experiments were original in nature, witness?

A. No, of that I know nothing.

Q. Do you know that they were using concentration camp inmates for these experiments?

A. Yes, that I did know and that was in fact generally known, that concentration camp inmates were being used for experiments. On Friday I attended the experiment at the Dachau camp which was carried out in Garmisch in 1937, and I also knew Dr. Richter personally.-- I can't remember what year it was, might have been 1942. I met him in the personal office.

Q. Do you know about the altitude experiments at Dachau?

A. No.

Part I

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Q. Do you know about the last gas experiments, that is, mustard gas experiments which were conducted at Litzweiler?

A. No.

Q. Do you know about the sulfamiazole experiments that were conducted at the Ravensbrück concentration camp on Polish women?

A. No.

Q. In other words, you have no knowledge, specific knowledge, of any of these particular experiments that I have outlined, is that right?

A. No.

Q. Then I assume that Rudolf Brandt could well have issued those instructions, or was, and passed on the instructions of Himmler without your knowledge. Is that right?

A. That depends on the way the way the work was organized technically in the personnel staff. I have already said on Friday that one of the personnel staff had two main departments in our office, a secret registration and a public one, and it was the rule that the secret to maintain secrecy was most strictly observed. No secret letters were, as a rule, being carried in the field down an office of Himmler's, because they were entrusted to ordinary men far more than one might who sent them to Berlin. It was therefore the rule that these letters that I had nothing to do with, especially, were sent directly to these registry offices. Only the so-called open 'Polars with signatures' were put into envelopes or clocks in our office, sealed and mailed.

Q Now, witness, in connection with the freemason experiments at Dachau, did you know that Rascher used women for research purposes?

A No.

Q Now, witness, I am going to ask you to look at this document.

A. R.A.M.: This is Document No. 1619-18, Your Honor, which has been admitted into evidence as Prosecution Exhibit No. 10-2 — pardon me — Exhibit No. 7 which will be found in Document Book No. 3 on page 20.

Q Will you read that document, witness?

A. "To SS-Gruppenfuehrer Gluecks, Ordnungsr. SS-Ordnungsgruppenfuehrer, I have asked you to give instructions for the four women ordered by the Gruppenfuehrer-SS to be put at the disposal of Dr. Rascher to be sent from Sonnenberg to Dachau," signed by myself.

Q That is signed by you, isn't it?

A Yes.

Q Did you ever hear of Professor Dr. Hirtz, witness?

A Yes, I heard of Dr. Hirtz.

Q Did you ever hear of Dr. Himmer?

A Yes. I know that Dr. Himmer was to assist at experiments, and I can remember that I saw Dr. Himmer's orders sent on order to the SS Main Office to the effect that Dr. Himmer should be released from his previous job and assigned to the Sonnenberg concentration camp, but I can't remember whether it was Professor Hirtz.

Q Well, now, you didn't know that Dr. Himmer was to work with Professor Hirtz in his "lost" experiments at the Sonnenberg Concentration Camp?

A No. I can't remember that.

Q Witness, I don't know what sort of filing system you and Haddelf used at Dachau, but I can tell you that the 11 letters pertaining to the same were filed in the same folder, was that right?

A No. As I have already said on Friday, there were two registry offices at Dachau and on each one, so that one complex matter, that had previously been filed away in the open registry office, at the moment when a secret communication arrived, this secret communication was put in the secret registry office.

office. That is why we were unable to know just what was going on simply from looking at the files. We could only have access to what was immediate to our grasp, and there was always a great deal of trouble for us whenever we wanted to collect the two parts, the secret part and the open part of anyone's letter.

I many times made an effort to look up matters that particularly interested me, matters of a general political nature, for instance, but this, too, was very difficult. The use at the moment when a military office wrote something in connection with this matter, it went to the chief adjutant, or if the police took a part in it, the letter went to the police adjutant. I already pointed out that for Himmler these difficulties were completely irrelevant. He knew the connection. He carried on the conversations and conferences personally and did not have to rely on the correspondence, and for us it was of no concern.

I once made this experiment: I pointed out to him that this system was not difficult for us when we wanted to get an aerial picture, and that it should be possible that simply for practical purposes some changes should be made in it. Himmler replied that he had previously no objections to the way his instructions were carried out and, consequently, he saw no reason for effecting any changes here. Hitler's order to maintain secrecy was known to me; it was valid for me and for every German man and woman, and it certainly had to be valid in his own staff.

Well, now, you mentioned a letter you wrote to the SS Main Office.

A. Lohmeyer: That letter, Your Honor, is Document No. 80-196, Prosecution Exhibit No. 261 which is found in Document Book No. 13 on page 25.

Is that the letter you wrote?

Yes, that is the letter.

You say, the last paragraph in the first part reads, that Dr. Himmler is to assist SS-Hauptsturmführer Professor Hirth in a series of experiments.

He didn't know that these were "test" experiments on concentration camp inmates at Katzbach, is that right?

Yes, I do not know that.

Q. HADY: I have no further questions, Your Honor.

THE ASSISTANT: Is there any redirect examination of this witness by counsel for the defendant?

AS HEDY EXAMINATION:

Q. HADY: Redirect for direct.

THE COURT: All right.

Q. Witness, you were just asked questions re Berlin Document No. 1619, and it No. 7. You saw this document which was concerned with the fact that your name was to be used in a concentration camp but you did not make any statement about this document at that time. You had previously said that you were given no information about details of experiments on human beings.

Now, this letter, this teletype, seems to contradict that. Consequently, I should like to ask you once again to state your views on this document.

Q. You read or this document?

A. Yes, I still read it.

Q. Did you know of the details of this document? How did it come into your hands, or when did you take this document to court?

A. I can not remember the details and the circumstances under which I received the instruction from Dr. Brandt and under which I signed it, but I do remember in a very vague way that I received instructions from Dr. Brandt and I believe I can now retrospectively reconstruct what the situation must have been when this letter is signed by me.

I saw "Alfred Goebbels" when I was talking about Hitler's special work and I saw that he himself had clearly formulated the order to me. I saw that he was a high-ranking official and that I was to follow his orders, I saw that he was a high-ranking official and that I was to follow his orders. The same order was given to me. I saw that there was in this case Dr. Brandt received the order from Hitler to take care of these Jewish women and that I was to follow his orders because I was in his office, he in order to make his work easier and orally, "these were the teletype to Dr. Brandt and Goebbels from the fact."

Since I saw in general that human-being experiments were being carried

Part No. 1

act, and since as a matter of principle human beings' experiments continued to be arranged for, for example, in that the research workers carried out experiments on themselves, or used their colleagues for such experiments, or used personal friends of theirs for such experiments, and since, furthermore, I knew about the series of experiments in Oranienburg that the prisoners were in Oranienburg to volunteer for these experiments, because from that moment on they no longer had to work but received better food, so it was that during those years I did not become suspicious. I was at that time not familiar with the terrible background of these experiments. Even in the formal issuing of orders for these experiments, I myself was involved, and it was only here in seeing these documents that I found out about it.

Case 1

JUDITH BARKING: Just a second, will you repeat again the data upon which you view the countervailing effect?

WITNESS: January, 1943. Let me correct what I said? It could have
the first days of February, 1943.

JUDGE SEERING: But it was in the year 1943?

751 745.

Q. 2. BY: That is the question I had, Your Honor.

BY DR. J. L. WILSON:

2. 9-0 only visited in concentration in area near sewer I 11-23 Urinal 19436

2. I did not visit any other consular offices but frequently I visited

4. Control of the flow of traffic, and the way in which it is controlled.

5. As to what the Commission has done - see what the Commission has done in the past.

On 10 July I visited the water camp. I found barracks in which men slept
in three or four ranks. I ate in the kitchen in which the food was prepared
for the whole camp and I stayed in the same place. I went to the cement factory
factory, the salt factory, and to other similar units that I did not

3. Is it true that Al-Lah ordered you specifically to visit a concentration camp in the Philippines, had not been, no?

[illegible]

1. I, _____, do hereby declare that the foregoing is true and correct under oath.

2. I, _____, have read the foregoing and agree to the contents of this document which

... *in* ... *in* ...

Chart I

Q. Now further questions. The witness may be with you as far as I am concerned.

DR. BROWN: (For John Clark and Rudolf Brown)

A. Yes.

Q. Now then, I ask permission to ask a few questions of this witness.

DR. BROWN: I think that is all right. I am going to ask him a few questions.

Q. Another witness that he said.

Q. Did I ask when he told you that?

A. As I remember it was 1942.

Q. Did you see him then?

A. Yes.

Q. Did you know that this Professor Dr. Brown was translated by Rudolf Brown or by the witness?

A. I don't know at that time.

Q. Did you know it at that time, that he was working for the defense?

A. Yes.

Q. Did you know at that time he had already been working for quite a long time?

DR. BROWN: I think he just began to work for the defense.

A. Yes, probably I don't know.

Q. Now further questions.

A. Yes. I have a further question for you.

DR. BROWN: If there are no further questions of this witness, the witness may be excused.

A. BROWN: Now I have a question for Rudolf Brown, the witness.

DR. BROWN: The witness is excused.

A. BROWN: Now I have a question for you.

DR. BROWN: With respect to the "I know" (which has been requested by the

witness). It appears in your report that you have since that time

provided showing of it both to the defense counsel and the prosecution.

Part I

I say that this film "I accuse" has been provided by both defense and prosecution. I am quite confident that the film is entirely inadmissible in this case. I am not in a position, but I would like to ask if Dr. Froeschman, or any of the other defense counsel, desire to make a formal tender of

the film to the court for the purpose of being shown on the occasion when it is offered, but unfortunately that will be entirely too late to be of any use. I am sure that the film is not a recording of a trial, and then the interpreter interpret the German into English and make a running account of it in order to the court. I would like to follow the sound track

portion of the film is excellent, since it is in a room, but exceedingly small, and runs in the back of the room and I think it is very difficult to hear. I am sure that the film is not a recording of a trial, and then the interpreter interpret the German into English and make a running account of it in order to the court. I would like to follow the sound track

Dr. FROESCHMAN: I ask the permission to raise the same objection by which I have returned to the beginning of the section.

The court: The trial will now begin at 1.30 this afternoon. I am sure that the film is not a recording of a trial, and then the interpreter interpret the German into English and make a running account of it in order to the court. I would like to follow the sound track

R. OFFICER: I think the film is not a recording of a trial, and then the interpreter interpret the German into English and make a running account of it in order to the court. I would like to follow the sound track

The court: It would give the court an opportunity to determine whether the film is a recording of a trial, and then the interpreter interpret the German into English and make a running account of it in order to the court. I would like to follow the sound track

R. OFFICER: I think that the film is not a recording of a trial, and then the interpreter interpret the German into English and make a running account of it in order to the court. I would like to follow the sound track

THE PRESIDENT: Counsel for the defendant Brandt may proceed.

DR. KAUFMAN: I now ask your permission to call the defendant Rudolf Brandt.

THE PRESIDENT: The defendant Rudolf Brandt will take the witness stand.

JUDGE SEHRING: Please raise your right hand and be sworn: I swear by God, the almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may be seated.

DIRECT EXAMINATION

BY DR. KAUFMAN:

Q. When were you born?

A. 2 June 1909 in Frankfurt on the Oder.

Q. Will you please briefly describe your career?

A. For three years I attended the Hittelschule in Frankfurt. I then attended the Reform-Gymnasium in my home town. This Reform-Gymnasium I attended until my graduation in 1926. My intended profession was that of becoming a stenographer in the Reichstag. A closed course of study was necessary to achieve this end, in addition, sufficient stenographic speed. I studied law in Berlin and Jena, and left the University after passing my doctor's examination in the summer of 1933. The theme of my doctor's thesis was the question of the law of authorship. I come from a rather poor family. My father was, first of all, a locksmith with the German railroad and at the same time a miner. I had to earn my way through college on a so-called working scholarship, but I have grateful memories of my parents who had considerable sacrifices on their own part and made it possible for me to attend the university and who also during my period of study gave me some pecuniary help when they were really able to. My first work on this working scholarship consisted of very laborious work as telephone stenographer in a newspaper office. From the beginning of November 1928 to the end of May 1930, I, although I was still a student, was being employed as official stenographer

in the 'Lokstedt' Committee of the Reich Economic Council at that time. After
examination in December 1933 I became telephone stenographer in the
German Information Service but only for ten days. The Chief of the Office
Staff of the SS was at that time in search of a good stenographer. A friend
of mine obtained the employment. My new employer had no difficulties in
breaking my contract with the German Information Service (DNI). I began my
new activity in the office of the Chief of Staff of the SS as clerk on the
11th of December 1933, with a monthly salary of 120 marks. About six weeks
previous to that, I had entered the Allgemeine SS. I had already joined the
Party in the year 1932. In January 1934 Hitler dictated a few letters to me
when he was in Berlin for two or three days. Previous to that I had neither
seen Hitler nor did I know anything about his personality. On the suggestion
of his Adjutant, SS-Sturmbannführer, and later SS-Obergruppenführer, Karl
Witt, I went to the Reichsführer's Headquarters in Munich, and I began my
service on the 15th of February 1934 as clerk for Hitler and his three
Adjutants. When in April of 1934 Hitler took over the Gestapo and went to
Berlin he took me along. It was my job to take letters for Hitler and Witt.
Moreover, in the first three months, first three or four months, I had to
answer the telephone in the anti-room and to announce visitors. Gradually
the staff was enlarged. Roughly, from October 1934 on I wrote only for
Hitler alone. This was when I was 25 years old. I took dictation and until
roughly the end of 1934, I myself typed up the letters. However, after the
files became more and more, I dictated, what had been dictated to me by a
stenographer. I began my service in the SS as an SS man. In 1934 I became
Sturmbannführer, after I had gone through all the subordinate ranks for
a short time or other.

Witness, let me interrupt a moment. We want to make it clear what
I experienced in the Allgemeine SS and in the Waffen SS.

1. In the Allgemeine SS I was Sturmbannführer. This rank can be
compared in an exterior way with that of a Colonel in the Wehrmacht.
2. In the Waffen SS I was Oberscharführer, that is to say, a rank that

...and reply to the German Sergeant, or for that matter, the American Sergeant.

Q. Did you serve in the Waffen-SS?

A. Yes. In 1935 I went through a course of training for four or five months in the Standarte Deutschland. Then in December 1940 I went through a short-term course with the Standarte Westland, and from the end of March until the end of May 1941 I was with the Leibstandarte in the Greek campaign.

Q. Please continue to describe your career in the personnel staff.

A. About 1937 or 1938 for purely technical reasons I was called according to title of Organization personnel referent in the personnel staff.

Q. What did this word "personnel referent" mean?

A. The only reason for it was to give me some sort of title in the title of my title.

Q. We shall return to this, but perhaps you can add it clear already showing this word "personnel referent" had at any time any meaning of advisor?

A. Neither at the beginning nor at the end did it have any meaning of personnel advisor.

Q. I am going to submit a sketch to you. You are simply to say what it is accurate. You have heard what the witness No. 1 said about it. You are to submit this sketch if you wish to. I have already given this sketch Exhibit No. 1.

THE PRESIDENT: Well, is this the chart which was numbered Exhibit 2, Count

DR. KAUFMANN: It was Number 2, yes.

BY DR. KAUFMANN:

Q. Is this sketch correct?

A. Yes.

Q. Did you make this sketch? Draw it up?

A. Yes.

Q. Could you please tell us your last salary in your position as Personal

Assistant?

A. At the end I was paid as a civil servant, from 1940 on when I entered the civil service, and at the end I was receiving the salary of a Ministerial (Ministerial Council.)

Q. How high was that salary?

A. It was somewhat more than 800 marks a month.

Q. Did you have any other income?

A. In addition I received a supplement of roughly 175 marks a month from the Personal Staff. This arrangement was made because men in the staff - leaders of the Affen-SS and also members of the police - of the same rank, but with much less work to do, were receiving more than I was.

Q. You were also appointed a Ministerialrat?

A. Yes.

Q. Now, what was your function under that capacity?

A. From March 30 - in the summer Hindler became Minister of Interior, and after his appointment he charged me to take care of the work in the so-called Ministerial Bureau or Office. This was, for all practical purposes, the liaison office between him and Staatssekretar Dr. Stuckardt, respectively Ministry of the Interior, since during the war these two offices had been kept separate.

Q. You just spoke of your salary which really was too low. Now, did you have any other income?

A. I had no property except that which, like any other careful person, I had been able to save through the course of the years and that, at the end, was eleven or twelve thousand marks. But I owned no real property nor automobi

nor anything else.

Q. Now, please describe the whole sphere of your work, the extent of it, and then describe any normal working day?

A. Let me add that I was never really officially appointed Personal Referent. There was no document to that effect, and the position of Personal Referent was first that of a referent, and then of a department chief, and then of a main department chief. My tasks in this position were to tell Himmler as letters had come for him, either in the so-called "important mail" - namely, the mail that he read himself - or by reporting to him what letters had come for him or through reading him a part or the whole of a letter that was addressed to him. Secondly, I had to receive his instructions, taking them down in verbatim notes or in outline, which I then provided with a preface and a conclusion and draw up in the form of a letter or a teletype. Thirdly, I had to receive instructions that were to be passed on immediately by telephone. Fourthly, I had to take care of conferences with SS men, the dependents of SS men, and with members of the civil population who had asked for an appointment with Himmler in order to present complaints,

and such. The position of Personal Referent is probably not the same everywhere. It depends on the nature and character of the Personal Referent's chief.

THE PRESIDENT: Counsel, the Tribunal notes that in this chart - Rudolf Brandt's Exhibit 2 - that in the fourth block from the left, in the lower line, the word is described as "Personal Department" (P E R S O N A L). In the ninth block from the left we find "Department Chief of Personal Staff" - spelled the same way. In the tenth block we have again "Personal Department". Now, in English we have two words "personal" and "personnel" which have a different meaning. The Tribunal would like to be enlightened as to whether the words contained in Brandt's Exhibit 2 - if any one of them should be translated as "personnel" or if they are all properly translated in the word "personal".

A. COUNSEL: May it please Your Honor, during my examination of the witness

I made a note in my chart that the ninth block and tenth block were to be changed to "personnel".

THE PRESIDENT: I made the same note myself but I am not altogether sure that counsel for both parties would agree that that is correct.

BY DR. KAUFMAN:

Q. Mr. Brandt, did you hear what the court just said?

A. Yes.

Q. Do you know what they are talking about?

A. Yes.

Q. Can you then, in a few sentences, clear this matter up. Would you like to have the sketch?

A. Thank you, I have it. The tenth block there is designated "Personal Department". That was the department that took care of all personnel matters in the Personal Staff. The department in the block just ahead corresponds roughly to my job or to my specialty. Here are included the Personal Referent in the Personal Staff. In other words, the person who took care of personnel matters involving the Personal Staff.

THE PRESIDENT: The Tribunal now understands that Block 4, Rudolf Brandt means Personal Staff, and that in Block 10, the word should properly be translated as "Personal Department". In the German text of the chart before the Tribunal different words are used. The translators will doubtless take note of different words - one translated "personnel" and one translated "personal".

BY DR. KAUFMAN:

Q. Thank you.

PLEASE continue in your description of your position and of a normal day.

A. All right. I just said that the Personal Referent depended on the nature and character of his immediate boss. At any rate, this designation was not chosen for myself nor did I have it introduced because my position was so important as to make it absolutely necessary. If that had been the case, then Hitler should have had to appoint me officially as his Personal Referent. However, it would have been necessary, as in the case of all other Personal Referents, for me to draw up by own letter-head with the expression "Reichsführer SS" and underneath that the words "Personal Referent. Neither I nor any one else in the staff gave any thought to such an idea because nothing was changed in what I was doing. Moreover, both at that time and later I was aware of my limitations.

It was my job to take care of visits, complaints, congratulations, thanks, and so forth, that were directed to Hitler from the population and from the SS itself. Witness Weine has already testified that Hitler had given the senior 15,000 SS men the right to avoid regular channels and to turn to him directly, but independently of that there were numerous visits from all members of the SS. I was also responsible for taking care of the congratulations and birthday presents, Christmas presents, Easter presents, presents when somebody was born, that Hitler sent out, also his regular gifts of books to higher SS men and later to some of the Wehrmacht Generals. Furthermore, I had to supervise the numerous welfare measures that Hitler arranged for in various local branches of the SS, particularly in connection with the deaths in SS men's families. These were the things that fell under my real job. Mostly applications on the part of the SS men and civilians were not yet ready for an immediate decision on Hitler's part. It was necessary to ask questions, to inquire into details, or to find the attitude that the superior or some official office had toward any particular matter. Hitler instructed me only to submit all such letters to him after all doubtful matters had been cleared up. Also the correspondence in connection with Hitler's many G.M. children took up a great deal of my time. Also letters to congratulate mothers if SS men were having their second, third, or fourth child during the war. I sent the mothers of these children, on Hitler's orders, a telegram of congratulations, and also told them that they would receive as a gift from Hitler a box containing fruit juices for the mothers themselves, and that the children themselves would receive a porcelain confection. In almost all of these cases ^{if} these children this one letter of congratulation led to the development of a serious correspondence. The mothers, whose husbands were most of them at the front, were greatly pleased by Hitler's show of interest.

Witness, let me interrupt for a moment. I believe you could be a little more brief in this and could concentrate on telling us what

further fields you had to take care of in this job and then to emphasize to what extent you really finished off these matters and what function you had and what function Himmler had.

A. Himmler reserved for himself the right to decide also on matters which concerned the individual main offices. The witness Heineke already mentioned that there were twelve main offices and he also said with the exception of four of them correspondence from the other main offices went through my office to Himmler. The four exceptions were the SS Supreme Main Office (Führungsstab), SS Surge Department, the Main Office Order Police (GAPD), and Security Police; whereas, the correspondence which I just mentioned was really my main field of work, I should like to characterize this section group of mail as the official and office mail. Then as a third category there is also the so-called alien mail, if I may so characterize it. That mail included all matters of a strictly technical nature. For instance, reports and letters from the Chief of the Farmlaboratory, other technical reports, letters, reports, suggestions from the Reichsrüst SS, and other physicians in all fields of medicine, and also as regards experiments and research. All of these were matters that were completely alien to what went on in my actual field of work and were also alien to the regular inter-office mail. And in point of view of matters of these matters I have just mentioned were negligible in connection with the others.

In this connection I should like to describe the normal correspondence with the WVHA and the Anatomie, which is frequently mentioned which occurs in the documentation of this case. I should like to do this in order to prove that the letters were, in the first place, very few in number, as compared with the other regular correspondence, and that also they formed an exception to the general rule. For example, correspondence was carried on with the WVHA on such subjects as how to preserve fruit juices.

A. Witness, I have to interrupt you herein. Please limit yourself to telling us to what extent you participated in the correspondence that

was really a part of your office, and to what extent you had anything to do with the research and experiments. I think it is correct that you should tell the Court just what your relation was to these various departments or branches.

A. In this connection I should like to mention a collection of statistics in order to make this situation more or less clear. Among the documents of the prosecution I listed roughly 113 letters that are associated with either Hindler's name or my own. Of these 33 were directed to Hindler and written by him. Directed to me and written to me were 64. Moreover, six of the documents are in there which I received from other offices for my attention. The other 10 must be separated from the 113 because they were not any special letters but copies of Hindler's letters which I had to submit on his orders. If one has heard during the course of these proceedings from the prosecution how one occurrence after the next is brought into association with me, and then after one reads the documents one would get the impression that in these events and occurrences that these letters were the central point of my work, as if that was the only thing I concerned myself with. However, the opposite is the truth because these letters lay outside my real field of activity. In the years 1938 and 1939 statistical data were drawn up in the personal staff in regards to letters that were worked on in the personal staff, in other words, who worked on what. It was ascertained that my department did by far most of the work with regard to all. Even at that time the number of outgoing letters from my department was roughly three to four thousand a month, and in some months more than four thousand. The witness Hainke has given statistics for the years after that.

I would like to mention only an average number of 3,500 letters a month, compare that with the 113 documents which were herementioned, in order that you get a clear picture of just what the relationship is here. For the years 1941 to 1944, you can see that with this monthly average of 3,500 out-coming letters that the total rose to 160,000. Now compare this number 160,000 with the number 113. In this comparison down through the individual years you receive more or less the following: in 1942, or rather 1941, 42,000 out-coming letters to which you must compare five documents in the document book; 70 documents in the year 1942 compared with 42,000 out-coming letters in 1942; in 1943, 28 documents in the document book against 42,000 out-coming letters and the same number is true for 1944.

Now I don't want to break this down according to every month, but let us take a look at the four months during which the largest number of documents appear in the document book. For August, 1942 we will take an average of 3,500 out-coming letters of which there are twelve documents in the document book. In April and October of 1942 a monthly average of 3,500 out-coming letters is compared with 10 documents for each month. In September of 1942 3,500 monthly average versus nine. I believe that these numbers prove how far these matters really lay from my real sphere of work and what a minimum role they played in point of view of numbers.

THE PRESIDENT: During the certain recess, counsel my advice has all up to the essential matters which are related to this inquiry and in which the Tribunal is concerned and how to state these matters as briefly as possible.

The Tribunal will now be in recess.

THE RECL: Persons in the Courtroom will please find their seats.
The Tribunal is again in session.

DR. KAUFMAN: Mr. President, I was just being told that I am to be shorter in conducting my examination; and I shall certainly adhere to this and respect the wish of the Tribunal. I ask you to take into consideration, however, that I intended to get finished today at any rate.

THE PRESIDENT: Counsel, the remarks of the Tribunal were not intended as a reprimand to counsel at all. Neither is it the desire of the Tribunal to limit in any wise this defendant or any defendant in the presentation of evidence pertinent and material to his defense.

DR. KAUFMAN:

Q Witness, you were saying before, when describing your sphere of work, that medical research work did not belong to it. These matters were alien to your task; is that correct?

A Yes.

Q Well, how can you explain that in the case of a number of documents your name can be found under such documents? Had your particular relation in the office of Himmler anything to do with it, or was it a decisive factor that you yourself were informed about these matters?

A The latter wasn't the case in any way. The reason that these kind of things came to us varied. In addition to a number of other affairs, Himmler was very interested in medical matters. Whenever physicians approached him or whenever they were recommended to him, he personally established contact with them or referred them to Reichsarzt Dr. Grawitz, who was then ordered to give Himmler a report. This occurred orally very frequently; and in some other cases it was done by way of writing. Still, the reason for that, I would say, was the fact that whenever Himmler conducted conferences, he often called me into his office rather than call his secretary, in order to give me some order regarding a telephone conversation in the presence of his visitors, sometimes to dictate a letter to him, or told me how to dictate a letter to his secretary.

Beyond that he would often say to the visitor, "Whenever you have any questions to put to me of a material, personal, or factual nature, just

write to Dr. Brandt or give him a call. He can always be reached and can inform me immediately. On principle, every official conference of Himmler was concluded by Himmler's asking about the personal affairs of his visitor. He asked him about the state of his health, about the members of his family, about his economic situation, and so forth. At those times I was also called in to his office and received orders, which ran something like this. -- I think I mentioned those orders before; and I won't have to repeat them now. Repeatedly directives were given in order to supply additional funds for vacation expenses; or in a case where any visitors had not had any children from their marriage, I was to give Prof. Knauth's address in Prague to those visitors.

Witness, with reference to the sphere of medical research, the field which is under indictment here-- did you have any authority to issue directives?

" I neither had a right to issue orders in the medical sphere nor in any other sphere. I was never in a position to make my own decisions even in my own sphere of work. Whatever went out as various decisions really traced back to a decision of Himmler, a decision which he reserved himself in every case.

Q Did you at any time or at any opportunity develop your own thoughts for materializing your own decisions with reference to human experiments? Or did I understand it in a different manner. Did you ever originate the thought in your brain to undertake experiments on human beings?

" I would never have arrived at any such idea.

Q Witness--

" Especially since I never dealt with scientific questions for lack of interest.

Q Did you at any time speak to a doctor? Did you ever discuss details with him with reference to experiments on human beings?

" I did speak to a doctor a few times. He never put human experiments which he intended to carry through.

Q Do you maintain the same statement with reference to Dr. Hans-Joachim Schuler?

" I never knew Dr. Hans-Joachim Schuler.

Q Is the same answer to Dr. Hans-Joachim Schuler? Did you ever discuss any details with him at any one time? Did you ever speak to Dr. Hans-Joachim Schuler about human experiments?

" I spoke neither to him, I don't know to any other person about experiments on human beings.

Q And that also with reference to Dr. Hans-Joachim Schuler?

" Yes, that is true in the case of Schuler.

Q And also with reference to Dr. Hans-Joachim Schuler?

" I saw Dr. Hans-Joachim Schuler once or twice when he visited Himmler. Beyond his own domain, I didn't speak to him.

Q Could you say the same thing about Prof. Hagen?

A I did not know Prof. Hagen. I don't remember having had any exchange of correspondence with him. The official letters which I had to send to the respective persons by order of Himmler I am not considering when making that statement about discussion, for in those cases I acted according to an order and directive of Himmler which I transmitted.

Q Now, Dr. Leydelt, in the document books there are a number of documents to be found which are marked secret. Is it that there were ordinary secret matters, top secret matters or military secret matters. Now when working on these matters, by dictating a letter or by giving a signature, did that always happen by the express order of Himmler?

A Only by order of Himmler. I couldn't sign in any other manner.

Q Would you maintain that your activity, as far as instance by giving signatures with reference to military matters, could not be evaluated in any other way than the mere work of a stenographer, of a passive co-worker?

A In my opinion, it can not be evaluated in any other way, since I neither have any expert knowledge nor am I acquainted with the connections of all these affairs. I only transmitted what Himmler dictated to me or what Himmler told me about.

Q Could you at any time avoid to carry out Himmler's orders without endangering your life?

A According to what was customary, that would not have been possible.

Q Now, witness, would you please describe as exactly and shortly and really as possible how your daily work with Himmler was carried on? Say, first, when did your work start? When did you end it? How many hours a day did you work?

A My working days started usually about seven o'clock in the morning — since I was in the habit of getting up very early. Himmler, on the other hand, worked until late at night. He worked, as a rule, until two o'clock in the morning. And only when he finished his day, then my day could come to an end, too. In this sense I worked for fifteen to sixteen hours per day, on the average, no matter whether it was Sunday or weekday.

Q Did you ever at any vacation?

A Yes, but for the years 1939 and 1940, where there was⁷ praise of almost two years, I was sent on vacation every year for four weeks.

Q And then tell us more about the working day. How did it continue?

A The manner has already been described and I don't have to repeat it in detail. In the morning I had until nine thirty to review the work of the preceding day, and to dictate one letter or another. At nine thirty the courier arrived and then the mail had to be sorted out for Himmler, which he had to have on his desk.

Professor Gohardt recently said that the courier arrived at night. I just wanted to explain that this varied at the different headquarters. As a rule, the mail arrived in the morning since we were at the East Prussian headquarters. In the West, on the other hand, mail only arrived at night. Gohardt, as a rule, got up at ten o'clock in the morning after having slept for eight hours. He had breakfast very briefly and my presence was demanded. During these few minutes no official matters were discussed. He often dictated teletypes or letters during that period of time and then he shaved. During these fifteen to twenty minutes I had my own opportunity to report about my mail of the day. This was a habit which had crystallized from the very early weeks during peacetime, and it became a permanent institution in the case of the field headquarters.

Subsequently I dealt with the orders which I received in the meantime, and I was currently called into Himmler's office from morning until late at night in order to receive orders for telephone conversations, teletypes, letters, etc. In addition to this work I had to deal with conferences with visitors, conferences with my own officials, letters had to be dictated, and in this manner the day passed very quickly.

Conferences were kept very short, perhaps thirty-five to forty minutes, lunch and dinner, and when the time had come after dinner for everybody else to relax, to read a book, the work continued for Himmler and that meant that I had to continue for me, too.

Q. And now we come to the discussion of the outgoing mail, and I am going to ask about a number of document books. Will you quite generally how the outgoing mail was handled. Himmler, of course, signed a number of letters during the day, but only very few. Most signatures were given by General Meisinger, is that correct?

A. Yes.

Q. If you are looking at these documents whereupon you find your signature, how can you explain that your signature can be found underneath these documents, when you consider the contents of these documents as being critical? Can that be explained by the fact that the lack of time played a part, or can you give us another explanation?

A. The witness, Reine, stated already yesterday that Himmler only signed his name at the very last moment. The courier could only get to the train in time by racing it to the risk of breaking his neck. When Himmler finally made his signature, there was no longer any time to read his letters. I could only wait myself to sign the copies which my secretary submitted to me in all haste. I had no misgivings in that respect since Himmler had signed the original.

B. Witness, now a number of your letters have the initials "BR," and I would like to know this was your initial. Must I conclude therefrom that these letters were directly dictated by you, or could it have been possible, considering Himmler's habit of working, that Himmler dictated these letters personally and that this file note was made in addition to that so that it today appears as if these letters had really originated from you?

C. That happened, too. Generally, however, the situation was where I received dictation from Himmler and then transmitted these notes to my secretary.

D. Did you recall where Himmler dictated teletypes and where these teletypes were not signed with his name but with somebody else's name and where no other person only received knowledge of his signature after the teletype had already left?

E. Yes, that happened to me on frequent occasions, and I am convinced that there are yet a number of teletypes of which I don't know anything even today, although they do bear my name.

F. Witness, I shall now discuss a few letters coming from the Document 336, 337, 338. This document refers to sterilization experiments. When putting questions to you regarding these documents, I am interested in establishing whether or not you had known the contents of these documents, whether you had read these documents. I am referring to the letters which you wrote at that time. I am interested in knowing whether you had recognized the seriousness of the letters which you had signed. I will ask that the document volume 336 be handed over to you. I ask you to turn to page 8 in the German book, or page 5 in the English book. It is Document 336, Exhibit 143. This is a letter given you by Himmler on the 10th of March, 1942, at the Fuehrer Headquarters. The letter is directed to Fohl and was signed by Himmler. Then

a copy of that letter was transmitted by you to Grawitz. In this letter Himmler discusses the possibility of experiments on human criminal persons, as he says, who had to be sterilized in any case.

Do you recall that document?

A. I don't remember the document. This has been submitted to me during the trial, and I assume, that since it bears my signature, I must have seen it at that time.

Q. Now would you please look at page 13, Document No. 044, Exhibit 151, and you will find a file notation with your signature. This notation refers to a conversation which you had with Pohl, and it says in the second but last paragraph -- I quote:

"The Reichsfuehrer also requests that with the ingredients of this plant on hand, sterilization experiments should now in any case be carried out in the concentration camps."

Do you remember this file notation and the entire event as a result of which it was made?

A. No, the same applies here as in the previous document. In that case we might add that the word "consultation" cannot be accepted in its usual meaning. I was not in any way on the same level as Obergruppenfuehrer Pohl. I had to approach him as an Obersturmbannfuehrer, and as was true in all these cases, I had directives of Himmler recorded in my note book which I read to Pohl. Therefore "a consultation" would be a wrong way of expressing that.

Q And now will you please look at Document, which is found at page 19. It is Document 200, exhibit 154. This is a letter of the Reichsfuehrer SS personal staff which bears your signature. It is a top secret letter and directed to Gehrlant SS-Oberfuehrer. I call your attention to the first sentence of that Document, and it says there and I shall only read a few words:

"On account of the absence of the Reichsfuehrer SS, who at present is taking a long official trip, I am acknowledging your letter."

The Document also deals with the question of sterilization by using that foreign plant. Would you please state your position shortly?

A I can remember that event in as much as Himmler, to whom the letter by Gehrlant had been submitted, gave the directive to write that letter in that form. However, I cannot remember any details.

Q Now Himmler already had absent for some time when you were writing that letter?

A I can't tell you that. It was often the case where he issued a directive to write a letter in that form just so he wouldn't have to come into prominence in that letter although he already knew the contents of the letter directed to him.

Q Now, would you please turn to page 41, which is Document 206, exhibit 154. This is a letter by Himmler to the Defendant Brock, dated 11 August 1942. A letter where Himmler says that he was interested in seeing that these sterilizations by X-ray were tried out in a camp in a series of experiments. You transmitted this letter for the attention of Bohl and Gosselt. Do you know the contents of that letter?

A I don't remember it.

Q Then now would you turn to page 57, Document 213, exhibit 171. This is a letter of the Reichsfuehrer SS, personal staff, directed to Professor Blumberg. It is marked top secret. This letter bears your signature and was transmitted to various other agencies and persons. The Document concerns the sterilization of 1,000 Jews and it says on the first page that

in one and the other case, a practical experiment might be arranged in order to see whether the sterilization was successful or not. It is a little more drastically expressed in the document. Did you write that letter on your own initiative or did you send this letter off by order of Himmler?

A This letter was not written by me but this is dictated by Himmler. I never would have dreamed of expressing myself in a manner which was used in that letter.

Q Did you ever discuss the question of sterilization with Himmler?

A I neither discussed the question of sterilization with Himmler or any other questions. Himmler never spoke to me about any such things. I would express it that conversations between him and me, impossible as it may seem never took place. Perhaps that was because of my not being a good conversationalist, but I think it was mainly because of the distance which was kept between Himmler and me on the basis of our respective knowledge and intelligence.

Q One remark - Dr. Pennington - in what manner did Himmler speak to you, address you?

A He always called me by my first name, and that dates back from the early days.

Q And did it continue until the end?

A Yes, it did.

Q Then did you leave Himmler?

A One day before his arrest. I was arrested one day before his arrest, that was that Sunday in 1945.

Q Now in order to come back to this document, I want to ask you is it correct that you knew Himmler intended to carry out sterilization?

A It is possible that I knew that but I can't tell you that today because I really don't remember these entire events by reason of the abundance of work I had to deal with.

A I shall now hand you document book No. 7. This deals with experiments to exterminate Jews. It deals with 72 Polish Jews. Would you please look at page 1. This is document 246, Exhibit 196. This is a letter of the

Reich Governor Greiser, dated the first of May 1942. It is directed to Himmler and is marked "top secret." Greiser suggests to afford special treatment to the TP Poles, which means to kill them. Do you remember that letter which Himmler received?

A No, when it was submitted to me during my preliminary interrogation I could not remember that event.

Q Now a possible explanation is missing here for if these things actually came to your office through the courier they had to be selected and sorted out by some person, and then had to be submitted to Himmler. Wouldn't you say you were basically dealing with the sorting out of the mail; is it correct that you read the individual letters when sorting out that mail, or was it often or occasionally the case that you presented those letters to Himmler without reading them, and that you presented them to him immediately, mainly because of the exterior form of the letter from which the contents could be seen?

A That was necessary purely by reason of time. It was necessary to start on such a way. I have mentioned before that the courier service only arrived a half an hour before Himmler sat up. It was impossible to read all reports or letters in that short period of time which were meant for Himmler. Now if you will look at page 3 you will find a document which bears the number 247, exhibit 197. This is a letter which is directed to you personally and it states:

"Dear General Franks: "It also refers to the same question, namely, the extermination of Poles, by way of the so-called special treatment. Does that hold true in the case of letters which were sent to you personally, or wouldn't one have to assume that you actually read such letters, and that you only transmitted those letters to Himmler after having read them, and then waited his decisions and his orders?

A I certainly read that letter for it was directed to me, but I transmitted it to Himmler since Himmler was referred to in that remark, and only Himmler could make a decision.

Q. Now I

Q. Now I want to say to you, however, practically in all cases, whether the letters were written by you or not, it is not Hitler?

A. No. In all of these letters, it was not the author of the letters, and it was not the author of the letters.

Q. Now why is the author of these letters? Was you directly rather than indirectly Hitler?

A. It was either because this was recognized by Hitler himself, and I tried to describe that a little earlier, or because the people concerned were not aware of the situation in the matter, or because in that way these letters were sent to Hitler agency.

Q. Now I am asking you, did you not see on page 16, Document 24, Exhibit 205. This is your own affidavit dated the 24 October 1946. In your affidavit, it is written that you say:

"The German Government, in its capacity as a co-belligerent, was responsible for the actions of the German Government. This was the position that in 1946, the German Government was in a position to take. The German Government was in a position to take that position."

A. In that affidavit, I am not saying that I was a co-belligerent in that matter.

Q. Mr. Brown, why I ask you, if you are a co-belligerent, you are not a co-belligerent in that matter, are you?

A. Yes.

Q. Is it not the fact that you are a co-belligerent in that matter, you are a co-belligerent in that matter, are you?

A. Yes.

Q. You are speaking about the German Government, are you not speaking about the German Government, are you not speaking about the German Government in your affidavit?

A. Yes, that is the point.

Q. Now I am asking you, did you not see on page 16, Document 24, Exhibit 205. This is your own affidavit dated the 24 October 1946. In your affidavit, it is written that you say:

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Q. I then stated that a quarter of 32 to 35 cases could be expected.

A. F. Brandt, you must be older 25 at the fact that any such estimation is really a construction if you have no indication to prove it. Were you a such as to be impressed by the elements that you never the less had such a vague estimation, or was your state of health or memory in such a bad condition that you were in a faith when making such estimations.

A. Both cases were true.

THE PRESIDING: It is now 1230. The Tribunal will be in recess until 1:30.

STARWOCK SESSION

(The hearing reconvened at 1330 hours, 24 March 1947)

THE ARSEAL: The Tribunal is again in session.

RUDOLF BRANDT - Resumed

THE PRESIDENT: The Tribunal will hear counsel in regard to the showing of the film "I Accuse."

DR. FROESCHEN: Dr. Froeschman for Brock. Mr. President, the prosecution this morning protested against the admissibility of the film "I Accuse," because the film does not represent any factual proof, but a merely conceived fiction, and because to recover the translation of the German film would take a great deal of time, and this translation would be superfluous if it were found that the film is not admissible as evidence. I should like to say to you the following: I have already in the course of these proceedings had several opportunities to speak with definitive and important witnesses who in this Court were regarding the question of authenticity. I have gone into the basic concept of authenticity, and as regards to a dying person, I have gone into authenticity in the extended sense and finally I have repeatedly touched upon the question whether the witnesses or specialists in the cases of human life which cannot possibly be solved, consider it a fairly, partially, legally and politically justified and authentic in its widest sense should have to be employed. I do not do this without reason. I stated in this way to say to you for the defense of the defendant Viktor Brack. I consider there is a sharp discrimination between the parts of authenticity and the part of authenticity: that is to say, from 1943 and 1944 to the present. The first part of authenticity, in the case of human life, the first step towards this second part of authenticity, and moreover, because the notion of authenticity will not



sharply repudiate that action. The defendant Viktor Brack was in his collaboration in what the prosecution calls the euthanasia program, only motivated by ethical considerations, by considerations of sympathy with the patient. That I could prove through his collaborators Haverhann, Blankenburg, and whatever their names were. These witnesses cannot be found. Since November of last year I made efforts in conjunction with the Court to find these witnesses, but we were not able to do so. The film "I Accuse" is the only and most effective proof of the defendant Viktor Brack's attitude at that time, for Viktor Brack was the one who conceived the notion of this film in its development, and made his notion known to the competent film manager, who told him of his points of view and brought it home to him by way of a book, that what could be found in that book should be communicated to the public.

Part I

THE PRESIDENT: Well, Counsel, do you know that that file is closed to show
 to the Judges, acting as Commissioners on behalf of the Tribunal?
 It is open to me after half-past three when the Tribunal will recess?
 Yes, Mr. McInerney?

MR. CLEGG: If the Tribunal please, I will sur that it will be so -
 since there is a - provides on - and it is projected in - , but I will
 let it go on - over r. Early report is - the Tribunal after the -
 Or, since Mr. R. is an international, I will have his report immediately after
 adjournment of court.

The COURT: Very well, I will go out with you. Now, Judge Crawford
and Judge Swearingen, on behalf of the Tribunal, to see the film on. Then go
to the Tribunal's Father's Court, in the afternoon, if it is considered
effective and should be seen as evidence in the case.

DR. FRASSER: Let me say that I believe in what's mentioned, Dr. Fraser - there's a great deal of work that's been done, it will be quite likely to be proven the words spoken by the characters in the film, and for that....

5. (interrupting): Counsel, one of the interpreters informed me that an interpreter could be furnished with the Commission to see the files of the President, the latter to whom they would be all referred.

Q. Now, I think that a recently shown film concerning the activities of the defendant in the first part of the film the sound track is rather poor in that even Harries had difficulty in understanding it. Consequently, it will be difficult for the jury to interpret the first part of the film. Have the court ever understood it this afternoon. Therefore I think, Mr. President, that we should have the text of this film which I have been trying to describe. I think I should be able to find the script of this film within the next day or two that will, of course, allow the jury to understand the defendant's part fully in the script of the film. And so, it is actual factual proof which I wish to introduce. I think that, for this reason, we cannot deny the defendant's part, who has been accused of making this point for him, to present this film as part of the evidence.

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of his evidence.

THE PRESIDENT: I wonder if the film could be shown in the court room here with the sound tracks.

THE CHIEF: As to the suggestion of Dr. Froeschmann, I think the court very well postpone any decision on that matter until after it has looked at the film. As far as the first portion of the film is concerned, it seems to me that it runs for an interval of length of time and does not present anything that, in any way, approaches anything having to do with this case. I am afraid, you could leave at the first portion and still have a thing lost to Dr. Froeschmann or his statement and a record.

DR. FROESCHMANN: Mr. President, any cuts made in the film would make the presentation of the evidence, as such, more difficult to put into perspective and also simply rawer. If there is a trial run of it I should like to see that the court view the entire film as soon as it have the script and if the transcript is.

JUDGE SPRING: Can it be ascertained whether or not any of the interpreters in the Translation Division, who are presently here in the court room, can read the film.

THE INTERPRETER: Yes, Your Honor.

JUDGE SPRING: Did you have any difficulty in understanding the sound track?

THE INTERPRETER: They were isolated, I am sorry - the difficulties.

JUDGE SPRING: I know, but could you understand the sound track?

THE INTERPRETER: Yes, very well, Your Honor.

JUDGE SPRING: Can arrangements be made then, Dr. Scherer, to project it here in the court room?

DR. SCHERER: You mean after the recess, Your Honor?

JUDGE SPRING: After the close of the day at 3:30.

DR. SCHERER: I shall certainly inquire. I don't know whether it will be convenient for the projection people to handle it in Room 153 or in the court room, but if necessary, I won't have any reason not to do it in the

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part of it just as well.

JUDGE SEBRING: It occurred to us that if the film could be shown here, it would be a good idea. If one or two of the translators, the Commission members, by the president could view the film here and could have the benefit of their explanation as far as the translation box.

MR. SCHMIDT: And that would be very, very desirable, and I will try to make that for 3:45.

JUDGE SEBRING: 3:35.

MR. SCHMIDT: 3:35, yes, sir.

MR. PROSECUTOR: I should like to request that the defendant Brock be allowed to attend this performance.

THE COURT: The request is granted. The defendant Brock, when the picture is shown, may attend the showings.

Counsel for defendant Brock may proceed.

BY MR. KATZMAN:

Q. Witness, I now put to you Document No. 9. It is a letter, dated 1942, securing the skulls of Jewish Bolshevik Commissars. Please look at page 1 of Document No. 085, Exhibit 175. This is a document of 9 February 1942, addressed to you. It is a secret communication, and it bears the signature. There are two annexes to this document. One of them concerns the use of microscopes and the other concerns the suggestion for securing the skulls of Jewish Bolshevik Commissars for the purpose of scientific research. Now, I ask you whether you received this document and whether you are familiar with the contents of this letter, or whether you still remember it to say?

A. I received the letter with the inclosures, but I recall only the letter as I recall the other matters.

Q. Do you wish to say then that you did not read the two inclosures to the letter?

A. I really should like to say that because, as I have already said, such matters were destined for the Reichsführer were put into the mail that I did not read personally, and in the case of Professor Hirth's letter, which

Q. Now?

A. It really isn't possible to a lay reader, this report would not have been comprehensible as I said.

Q. Perhaps I might remind you that the two inclosures are closely bound together. The first inclosure should concern itself with the microscopic studies, the second inclosure should concern the securing of skeletons. Is that all right or pinhead?

A. Yes, that is the way the letter states it. First, comes the inclosure as to the study of the skulls.

Q. Now, I ask you, with particular regard to the fact that you are testifying under oath, if you know details or if you know particularly that as can be seen from this report, human beings were to be killed and that then the skulls or skeletons were to be sent to the University of Strasbourg? Did you know these details?

A. No, I did not know these details.

Q. All right, tell me just what you did know, in broad terms?

A. I knew the contents of the letter, which I also sent on to Eichmann.

Q. Now is Document 116, Exhibit 168, Page 12. In this letter you told Eichmann that everything necessary would be done to pull up this skeleton and skulls and this would be done by Professor Hirth and you say further that SS Charakterwachenführer Shewers will communicate with Eichmann as to the details of this. Now, I ask you, who is Eichmann?

A. I don't believe that I had any idea who Eichmann was at that time. I don't know this fact from his letter which I certainly did not send on to him because it is extra here. As was always the case, I was not in the situation to know it, but I am quite sure that I heard Eichmann's name at that time for the first time. I didn't know him thereafter nor did I know him later.

Q. Can you not tell us whether you didn't have some idea or other that this was in some way a business? Now, for instance, it says that a collection of skeletons is to be made and that we all very likely would or we would ask what we didn't have seen these things - but

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Chart I

What was really in it?

A. I certainly recall no work done in this matter except those of the type in connection with the collection of skulls for anatomical purposes, in that it never had occurred to me that any animal could be used for this except the horse which had been used for this.

B. I repeat, if you work in this matter in the only instance for which it was used? Similar for his collection?

I drew your attention now to page 12, exhibit 181, No. 037, this is
page 13, a letter dated 21 June 1943 from Siobard G. Hickman. The letter
is apparently sent by Siobard with copies for two other persons and also
a copy to be sent to you. This letter says in to 115 persons were worked
and that 400 selected persons shall be sent to the concentration camps
at Katzeville. Was such a letter handled by you in your registry office
and I refer now to the copy which was sent to you; did you again submit it to
Hickman, did he know of the letter or did anyone else; just how was it handled?

I do not remember ever seeing such this letter. The note to it
carried a file that was also, but of a collaborator Berg's attention and he
the agent advised of it in a way as in the case of the book.

Q Now you see on page 15 of the document book, No. 1, please look at
exhibit 1, No. 038 where there is a book to this camp, No. 1. Please look
at page 16, No. 031 and page 16, where there is a note attributed to Dr. Brandt
dated by Berg. This note seems to talk that Berg had with Siobard; do you
remember this notation?

I do not remember having seen it.

Q Now let me ask you the date 27 Oct 44, 1944.

A This was the last day of our stay in our East Prussia branch. The
papers were very close to our end of the 2. Berg drew up this memorandum,
and I could not find report to Hickman but since we had to leave at of
the night there were no report of things to him to submit such a
memo, and what I said I did not do it at all.

Q Now I want you document book 12 that drew your attention to document 008,
No. 034. This is a copy of a report from the Reich
Admiral G. and the director of the Reich. It is a copy of a report of
the German Navy and is a report of the German Navy. The production of typewritten
documents and the explanation and for this purpose no further suitable
documents are taken by Hickman; would you care to take a look out
this document?

A. I don't remember as little about this letter as the others, but I would say that it would be directed to Obergruppenfuhrer Pohl and that I received only a copy and then there was nothing more to be done about this. I simply passed over the first part of the letter and probably only glanced at the second part, which concerned a publication which was to be made. Hitler reserved for himself the right to decide whether anything was to be published. I reply to Mooney which is on the next page of the document book. I only turned myself with the second part of this letter.

Q. Was that the sentence when you state and I quote: "I ask you to decide whether the Reichsfuhrer SS should be asked if the W.F.H., or the Institute for General Military Research or the appropriate agency" did that attract your attention and when you saw that you were in the territory

A. That is so. The rest of it was pertaining to an agreement that I asked earlier.

Q. Now, I ask you to compare the copy on page 95. This is a letter from the Reichsfuhrer SS personal and a copy dated 5 June 1944 directed to Mooney and is labeled: a registered letter is not the same as a secret letter.

A. Yes.

Q. Now please take a look at this letter and tell me what you think of it?

A. That was it?

Q. On page 95 of the exhibit. The second sentence reads as follows: "I have asked the Reichsfuhrer SS as the matter seemed important enough." Then it says that certain offices will be asked to report on this matter and that Hitler also will be asked to support office; is that all you have to say about that?

A. This was Hitler's task which I communicated to Pohl on the basis of the last sentence in his letter.

Q Now, please look at Document 270, Exhibit 296, page 74 of your document book. This is an affidavit on your part regarding experiments on typhus. Please look at paragraph 5 in paragraph 5 you say, "I am also quite sure that the result of some of these experiments some prisoners died." Now are you making a statement as to whether you know that human beings experiments were carried out and if so what did you know that human beings had allegedly died?

A I know in general that human beings experiments were under way, as that can be seen from the correspondence, but I had no knowledge that persons had

The statement here is really a deduction, which I drew from the subjects admitted to me and from what the interrogator told me. It could also be seen from the documents that experimental subjects had been sent to Buchenwald and on the way. Perhaps I drew some association between that fact and this case, so that would be the explanation for my statement here. As to my statement in this affidavit, that the experimental persons were given special care could be my view of the experiments. I have no actual knowledge either from written statements or from oral statements on the part of other persons.

Q Now I should like to speak to you about Document Book No. 2, concerning the activities of experiments of Dr. Mengele; you said this morning that you know Mengele?

Yes.

Did you see him frequently?

A Very few times in the course of four to five years.

Q Did he come to your office and speak with you?

A Twice, the first before a train left Munich, when he and his wife wrote a letter to Himmler to the station and gave it to me.

Q And that was the last when he came to Himmler's anti-room and saw you?

A Either he brought a report or a letter; as I said this could not have happened more than four or five times.

Q Were you ever present when Himmler talked with Rascher?

A No, I was never present at those conferences.

Q Did Rascher ever tell you personally either before or after a conference with Himmler why he had come?

A No, afterwards we never spoke about those visits together because I had no time for that.

Q But you do not want to say that you know that Rascher was carrying out experiments on human beings in Dachau?

A Yes, that I know.

Q Did you ever visit Dachau yourself?

A No, I was not in Dachau nor in any other concentration camp.

Q Did you ever yourself take part in experiments on human beings?

A No.

Q Did you see these photographs which are supposed to be the document books?

A I cannot recall ever having seen them.

Q Now, please turn to Page 53. This is a letter from Rascher to Himmler in which he for the first time makes suggestions to Himmler that human being experiments should be carried out in Dachau; and he says in this letter that in those experiments he could certainly have to count on a high percentage of success of the subjects, a fatal consequence. Do you remember receiving this letter? If you don't, can you say how you probably received this letter when it came in?

A I do not remember the letter, as in all cases I certainly would have put this letter among the mail that Himmler would read personally after it had been by one glance through it that this was a medical matter in which Himmler was in general interested.

MR. SAUFLEY: We are seeking now, your Honor, of No. 1602-75, Exhibit 44.

Q Now, please look at Page 57 of the German Document Book. This is No. 1602-75, Exhibit 45, a letter from you to Rascher in which you tell him that,

Of course, prisoners will be readily available for high altitude experimentation. Was this letter written on your own initiative or is it a case similar to all the other cases that you have brought up here, namely, a letter written on orders from Himmler?

A. This letter does not originate with me, but is to be traced back to clear orders on the part of Himmler.

Q. Now, please take a look at page 61, Document 1544-S, Exhibit 48, a letter that bears your signature, addressed to Sievers. Here you write that low pressure experiments are being carried out by the Luftwaffe in Dachau on prisoners there. Then look at the next document, Page 63, of the German Document Book, Exhibit 49, Document 1971-2-45, Page 60 of the English Document Book, a letter from Rascher to Himmler. In the first sentence of this letter there is mention of an enclosed interim report, and there is no doubt that this interim report was enclosed. Now, I ask you whether you read this interim report.

A. I should like to assume that I did not because such medical reports were quite incomprehensible to me as a layman; and, secondly, because of all the work which I had to do, I did not have enough time to concern myself with reports which, first of all, I didn't understand and, secondly, which did not interest me. Thus it is that I put this report in with the mail that Himmler was to read without reading it myself.

Q. Now, please look at 1971-2-45, Exhibit 52, Page 65 of the English Document Book, apparently a teletype message from Rascher to you. Here Rascher asks whether Poles and Russians also are to be performed if they have survived several severe experiments. In the Document 1971-2-45, Exhibit 53,

66 is to be found your answer, a teletype message to Obersturmfuehrer Goldtaler in Munich. In this letter you say that experimental subjects are not to be performed if they are Poles or Russians. This document was given particular stress by the prosecution, and its cruel and atrocious nature was obvious. Do you remember this document or can you give us any explanation of how it came about that you signed this teletype message?

A. I have no memory of this communication. Of course, I cannot here state under oath whether this is one of those cases in which a teletype message was sent on Himmler's orders with my signature to it. It is quite as possible that I had seen this message and knew its contents and sent it off.

Q. But I would think that a document with such contents would still be remembered by you today; and yet you say that you do not remember it?

A. No, I don't. In view of the enormous number of orders that I got from Himmler, I could not concern myself with the details of each matter so that I would remember them for any length of time.

Q. Do you perhaps know whether you discussed this matter with Himmler and then waited for his orders?

A. I cannot say that. I assume that I got the teletype message and then received his orders along with all the rest of his orders.

Q. Now, as last document from this document book, I bring up Document 102, Exhibit 55, Page 89 of the German Edition. This is a letter to the German Research Institute for Aviation. This letter accompanies a long report, the subject of which is regarding flights from high altitudes. Do you have that report now in front of you?

A. Yes.

Q. This is Page 82 of the document book. Did you work on this report or at least give a cursory glance at it?

A. I certainly did not work on it; and I didn't even give a cursory glance at it, first of all because it's a medical report and, secondly, because it's much too long.

Q. Now, I should like to discuss with you Document Book Number 13. That concerns mustard gas experiments. Let me point out Document 103, Exhibit 25b. It's a top secret matter, a letter to the Personal Staff of the Reichsfuehrer SS. In this letter there is mentioned a then accompanying report on the use of a cure for mustard gas burns, a letter from Grunitz. Now, what is your memory of this matter?

A I don't remember it at all.

Q Please look now at your affidavit, Page 1, WD-372. You say here that experiments were carried out on concentration camp inmates; "So far as I was aware, the experiments were directed toward giving the experimental subjects wounds in various parts of their bodies, and these wounds were then infected with Lest."

Mr. Brandt, I should like to take up now the question what your ideas are about the permissibility of such experiments on human subjects. You know that you knew that experiments were being carried out on human beings, and that non-volunteers were being used in such experiments, and, finally, that fatalities must be expected. Now, I should like to know from you what your ideas are regarding the moral or ethical aspects of such experiments.

In taking care of requests that were addressed to Hitler, I always tried to put myself into the position of the person making the petition, and to work on the petition from that point of view. The same is true also for experimental subjects. If I were in the position that an experimental subject finds himself, I certainly should wish not simply to be assigned to some experiment; rather I should like to be asked whether under certain conditions I should be willing to submit to an experiment in order in this way, for example, to be pardoned, if my sentence were death. I am convinced that there would have been human volunteers for such experiments if they were carried out in the correct manner, and if they were treated as human beings -- even though they might be criminals condemned to death -- they should not be treated at all as chattel or as numbers. And in the way that the experiments were carried out a certain guarantee must be given that the risk for the subject is of a minimum. Now, I will be told that I am making these excuses now, and that it is now that you have expressed such ideas for the first time. According to my whole nature it is true that I was of the same opinion very long ago, as the opinion I am now expressing. On the other hand, I doubt whether at that time I reflected along the lines which I am discussing now. First, that wasn't part of my work; secondly, I was so overworked that it was only with great difficulty that I managed to take care of the purely technical aspects of these matters; and thirdly, because I was ignorant of the details I was not in the position to calculate the implications of all these matters. I am convinced that if experiments are carried out of the kind I have just described, it would not have to be regulated by any law.

DR. KURT MULLER (Counsel for the Defendant Brandt): I have one or two questions.

... questions, but before I ask the next question I should like to have the Court's approval. The Court will remember that on last Friday the Prosecution objected to a certain question relating to the question of Zindler's influence and the whole milieu around him, could have on a man like Brandt. It is my opinion that this question must be ventilated.

It is my opinion that this question must be ventilated so that we may, so to speak, resurrect Himmler here for a few moments. That Himmler was Germany's grave-digger is perfectly clear, but this is a question which could lead to an extenuation of Brandt's guilt. The question: how did it happen that an innocent young man was so seduced? The seducer is always guiltier than the person seduced, and here it is Brandt who was seduced.

I should like to ask that he be allowed to say a few words about the influence that the Gaulei, Himmler, had over him for years, and which finally led him to sign letters and documents which absolutely contradicted his own humane views.

MR. HARDY: May it please Your Honor. I submit again that Heinrich Himmler or Himmler's influences are not on trial here. This case is first the man in the witness box, Rudolf Brandt. I can't see that any discussion as to the character of Himmler will be material. Therefore, I object to any interrogation along the lines of the influences of Himmler.

JUDGE SEBRING: Well, Mr. Hardy, if your contention is correct, then what does that portion of the underlying law which guides this Tribunal which deals with superior orders mean when it said that superior orders shall not constitute a defense but that the fact of superior orders may be heard in mitigation of the sentence? Now if that does not allow a considerable inquiry into the type of superior order and the circumstance under which it was given and the relation that existed between the superior and the subordinate, what does it mean?

MR. HARDY: I follow Your Honor quite clearly up to the point until you get into what influence Himmler had on this subject here. Himmler's superior orders may well be pleaded in mitigation, but I can't see that the influence of Himmler upon the personality of one Rudolf Brandt has any bearing thereon.

JUDGE SEBRING: As a superior on one hand and as a subordinate on the other.

MR. HARDY: Well, we may well argue on that from now until Dooms Day, but I myself don't see where it has any materiality here.

JUDGE SERRING: Well, if you were to take the other end of the discussion and all that would be ever relevant would be simply the statement from the witness: "I acted on superior orders" and quit, and the Court under those circumstances would never have any yardstick by which it could measure the question of mitigation if it thought that mitigation was proper.

MR. HARDY: I have no further comment, Your Honor.

THE PRESIDENT: Under those circumstances the witness may give the Tribunal a picture of the situation where he stood at the time, a brief succinct statement.

Counsel may propound to the witness the question which he suggested.

BY DR. KAUFMANN:

Q. Dr. Brandt, for years and years since 1934, you worked with Himmler, and the Court certainly has some impression of your purely exterior activities. Now would you please say how you saw Himmler's personality and what influence Himmler's personality exercised on you during the course of the years? I want to know what memories you have, what feelings you had and how your whole orientation was influenced by Himmler's manner of thinking.

THE PRESIDENT: The question should also include the matter of the official relations between the witness and Himmler. That is the main point of the question, the official relations and how Himmler's character affected this witness in his official duties in the position which he occupied.

BY DR. KAUFMANN:

Q. Witness, did you understand?

A. Yes.

Q. Please start.

A. Professor Gebhardt has already to a certain extent given a description of Himmler's personality. When I now describe Himmler and

Q. art I

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the SS as I understand them and as I experienced them, then I ask you not to construe that as propaganda because after all that we have found out in the meantime, there is no occasion for any such propaganda. I emphasize particularly the fact that I clearly disapprove of Himmler the way every decent man does and must, first, because of the crimes he committed, secondly, because he committed suicide.

When I went to Himmler I was a young SS man, young both in years since I was not even twenty-five in the year 1934, and young also in my membership in the SS of which I had been a member less than four months. The first impression that a young and immature person has of the intentions and plans and of the human and official behavior of his superior make a particular impression on him and, in general, determine what his future development will be. Himmler's manner of working, working late at night, carrying out many official trips, brought it about even at the very beginning that I was subjected to the same working conditions. He took me everywhere with him to finish up the work that he was doing so that to a certain extent I was his body stenographer and was almost like his shadow. He dictated letters to me in the trains, airplanes, automobiles in the morning and at all hours of the day and night.

During the numerous official trips I saw how modest Himmler's behavior was in hotels where we spent the night, how friendly and polite he was to the servants. I saw how simply his way of living his life was and how that he made no special demands, and in this connection I would like to remark that Himmler was one of the few leading Party or State officials who didn't play the "big shot" and who did not augment their legal incomes with a little money from the side. I saw how concerned he was for the welfare of women and children who were in distress because of the death of the bread-winner. These women should not have to deal fruitlessly with an unfeeling bureaucracy. The local SS offices relieved them of their cares and difficulties and to a large

Himmler took care of the children. This help was not restricted to the wives of members of the SS. Every woman who turned to him could be assured of SS assistance.

Himmler loved children, and for this reason played Godfather to a large number of children. Presents for these Godchildren on birthdays and on Christmas he chose himself, and until the very end he saw to it that all the children of an SS man who had fallen in battle received presents for Christmas. However, the SS men themselves were also the beneficiaries of his consideration. Front-line Waffen-SS units and SS field hospitals received special allotments of fruit, cigarettes, etc. on his orders; and I should like to say here that the correspondence that dealt with such matters was also under my competence.

It was a matter of course for Himmler during the war to spend Christmas Eve and Christmas Day with front-line soldiers of the Waffen-SS. He spent no Christmas at home during the war.

I saw also how industrious he was, how he made the performance of his work the prime consideration without ever thinking of his own personal enjoyments. He expected much more of himself than any other leading personage of the Party. These higher demands were generally valid for the whole of the SS but were made particularly in his close relationships.

I saw how understandingly and generously he received the many requests that were directed to him from members of the SS and from the entire population, how glad he was to help where financial or other assistance was necessary.

Right at the beginning of my job Himmler gave me the order that every letter addressed to him should be submitted to him in whatever form its contents might be. No letter was to be filed away without being answered, much less thrown into the wastebasket, and his answer to such a letter was not merely a purely formal gesture. The person who sent

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the letter could see from the way it was treated and the contents of
the letter with what human sympathy his application was being worked
on.

A. Hitler's orders regarding the treatment of applications that came in corresponded with the way I felt about such matters. In my family, and later as a student, I had personal experience with distress and suffering, and I knew how difficult and impossible it often was for the simple man of the lower classes to protect himself against the cursory treatment on the part of people who were his social superiors. Thanks to Hitler's attitude on such matters I was enabled to help such people and along with Hitler all of my enthusiasm went into this work, which I did industriously, conscientiously, and which was the central point of all of my activity.

In conclusion, regarding my remarks as regards this matter about Hitler's readiness to help, was in agreement with his character as I came to know and to esteem. It was a matter of course, to him, that a person's confidence in one should not be destroyed, a person who turned to him or to his office for advice or confidence. In the course of time I did find out when he spoke with guests during a meal and I, I present, what his views were in one field or another, and I found time very much to give a few examples briefly. For example, he wanted to create a healthy working class -

Q. Witness, I believe you could be a little more brief on this. Perhaps you could just outline the main points.

A. Yes, I just wanted to mention the fact itself. He wanted to extend credit to hand workers and peasants so that they could start a new life. In the racial question Hitler frequently expressed the opinion that the Nordic race was a particularly selected race that was destined to take over the leadership in the reorganization of the community of Europe. The leadership of this main European people was to, however, to be restricted solely to Germans of the Nordic race. They were to be men from all nations and they should be given an opportunity in peaceful competition to prove

their fitness for this leadership. A greater German Nation was to be the predecessor for this greater community that was to follow, and it was his view that such a community could not long endure if only the smaller nations were compelled to sacrifice some of their sovereignty. It could only exist if the more powerful states made even greater sacrifices voluntarily. When a person he was conversing with expressed the opinion that Germany would hardly be able to share the leadership with such people as Dutchmen, Swedes, Danes and so on, Hitler answered with an apology from sport. He said it was a matter, of course, that their rules should be observed as in a soccer. In one year there would be a case, for instance, for a well known team from a large city, and in the next year it would be the small and unknown team from a small town group. Then by analogy, the leadership in the European Community should change made from time to time so that each nation could do its best for this European community. Hitler believed that in this way a totally different step would be taken in the development of mankind, what he conceived, namely, the first step in that direction through the creation of a world. For this state in German youth he tried to put in nationalistic through the Hitler SS. This Hitler SS included, if I remember correctly, 19 nationalities, French, British, Lithuanians, even Americans were represented in these units. Germany's leaders had a SS leaders, these belonged to these so-called Hitler SS units, just as they were led by leaders of their nationalities. In Germany the basic principle of these Hitler troops was the same as that in the SS in the SS in the SS.

Witness, may I interrupt your statement. Will you demonstrate your testimony here on the question of the influence these Hitler troops had on your manner of thinking?

Q All of these thoughts that were Hitler's and which were laid down in certain basic policies of his, I regarded as that which must be brought to realization. In some way or other these thoughts had to be made reality, and that was the direction in which my efforts were bent. Perhaps I, on the basis of my own ideals, I saw more in Hitler's intentions than he really intended, but the difference would not have been very great. It was clear to me that human insufficiency in general and the inevitable difference between theory and practice would push the achievement of these goals into the far future, but I was not of the opinion that we should try in every way to make reality from these thoughts. I should like to emphasize that what I have here said is not based on comparison between me and Hitler, but that I saw these things in his letters and statements he made and in his basic orders to the SS. Thus I saw these goals being realized in my work and I believed I was living according to such basic rules which is a goal my wish that I would keep his name in mind forever.

Q Now, witness, my last question. At the beginning of the trial you stated that you did not consider yourself guilty and in the course of the presentation of the evidence you admitted that nevertheless you participated, and you admitted this by saying that in part the enormous scope of your work was due to the fact that you were ignorant in many fields; that you were under orders which were as you have just said, Hitler's personal policy and his decisive influence on you. At the end of the present time of evidence, I ask you whether you are still convinced after your consultation with the witnesses whether you considered yourself guilty or not guilty.

That is the decisive question for me. At any rate I do not feel myself to be guilty in the sense and within the scope of the indictment; for the indictment characterizes me as Himmler's advisor, as a person of influence, who with a clear knowledge and cold calculation took part in the crimes against humanity. This is not the case. My guilt is, in my opinion, much slighter. On the other hand, I am honest and consistent enough not to deny my guilt on principle. If a more or less exalted stenotypist in a relatively high position is guilty by having taken dictation and of having passed that dictation on to subordinate employees, or guilty by drawing up letters on Himmler's orders, then I am not without guilt in that sense. When if today after a calm reflection I still answer that question, and after I have discussed the documents with my counsel and he points out to me the tragedy for the individual human beings concerned, then I must say the following: The leaders mainly responsible to the German people in the last fifteen years are dead. Most of them took their own life - Hitler, Goebbels, Himmler, Goering and others. And, that is in my eyes a contradiction of the principles which these men represented while they were still alive. But, from everything else they thereby offended against the principles of loyalty which they represented for other persons and persons whom they led. I condemn such an act and I myself would never have done anything similar. However, I am also of the opinion that my behavior can only be justly appraised after all the conditions are taken into consideration, which acted to determine my activity and my sphere of work. In the anterooms of one of the mightiest and most dangerous of men I never knew Himmler's soul. I don't know whether it can be traced back to the fact that I lack understanding for human beings, or that I am too trusting, or whether the reason lies in the fact that throughout all these years I lived more or less like a hermit with my eyes covered. Until a very few days before the collapse, I lived as a subordinate civil servant and never had any influence on Himmler. The reason for my promotion to Sturmbannführer and Ministerial Counsellor lies in the fact that Himmler did not want to offend me or let me occupy an inferior

position as against his other employees. I should like to mention that the chauffeur of his vehicle had the rank of Stabschef in the SS which corresponds to the rank of Major. Let me remind you of the subordinate nature of my position, something which some witnesses will testify to in affidavits. SS Obergruppenführer Dr. Martin is an eye witness who will describe in his affidavit that when there were conferences of a third person with Himmler I was called to him by a buzzer in the same way that, let us say, a director of a business concern calls for his stenographer or secretary.

Q Mr. Brown, we will avoid repetition. We have already gone into all these things.

A That was one side. The other side for understanding this question of guilt rests on the fact that for years, since the beginning of my activities with Himmler, I was so over-burdened that I was unable to know the details of the hundreds and thousands of matters that went through my hands nor to reflect on all these matters. This is particularly true of the matters being experimented which are here being discussed, which were entirely alien to my actual sphere of work, which has been corroborated by the testimony of the witnesses. These two points of view, namely on the one hand my insignificant position, secondly, my overwork, and thirdly, the rate of speed at which I had to work. All of these factors could play a role in the decision of the penalty which is to be imposed upon me. I am sure that the Court will find itself almost impossible to place itself in the position in which I found myself at that time. They could not do so with the best will since that situation was unique and cannot be reconstructed. Nevertheless I call your attention to those three points of view that I have just enumerated when asked to do so - just to reflect because I am deeply under the impression that the charge brought up against me is very serious. Now, subsequently, as I look at it in retrospect I see my guilt as lying in the fact that I did not, originally, study the in and out going mail that went through my hands or at least I should have for a time when I could study it at leisure which, however, I could not do because I was so overworked. In my basic attitude

toward all people, even toward those who were persecuted in Germany for racial or other reasons, it would certainly have been impossible for me to sign these letters which unfortunately I actually did sign without taking this precaution of first reading them. Consequently, in many letters I was too uninformed of the scope - the implication - that was going on and I should be happy today had I not signed these letters because they stand in such utter contradiction to my basic attitude, convictions which to this day I did not have to change.

R. PRESIDENT: I would ask if the counsel is advised as to the film?

R. ADEY: Your Honor, all arrangements have been made to project the film for the Commission at 1:35 here in the Court Room.

R. PRESIDENT: The Tribunal sends no objection to any persons wishing to see the film who are now present in the Court Room with tickets authorizing them to be in the Court Room.

R. ADEY: Pardon me, I didn't hear you, your Honor.

R. PRESIDENT: (did not come through our system) I say the Tribunal sends no objection to persons wishing to see the film who are now present in the Court Room with tickets authorizing them to be in the Court Room.

R. ADEY: Does that include spectators too, your Honor?

R. PRESIDENT: Those who so wish should be willing to remain silent in the Court Room during the film and will not disturb the course of the film.

The Tribunal will now go in recess until 9:30 tomorrow morning.

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
25 March 1947, 0930, Justice Seale presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are
all present in court?

THE MARSHAL: May it please your Honor, all defendants are present
in the court.

THE PRESIDENT: The Secretary-General will note for the record the
presence of all the defendants in court.

Counsel may proceed.

RODOLF BRANDT - Resumed

DR. KROGER (Counsel for the defendant Rudolf Brandt): Mr. President,
at the moment I have no further questions to the defendant.

THE PRESIDENT: Any questions to the witness on the part of any of
the defense counsel?

CHIEF EXAMINATION

DR. WITZ (Counsel for the Defendant Handloser, also representing Dr.
Servatius who appears for Professor Karl Brandt):

Dr. Brandt, you said yesterday that you were never in a concen-
tration camp.

Q. Did you ever visit a camp.
Q. Did your activities ever bring you into contact with the execution
of the human experiments in the concentration camp?

A. I never had anything to do with those experiments, anything
Q. They can be seen from the documents. These are documents which I
Q. Did you see them either as a dictation or I transmitted them as
Q. Yes.

Q Did anyone discuss these experiments with you who personally carried them through?

A No, no such conversation ever took place.

Q Did anyone who personally experienced such experiments discuss them with you?

A That was not the case either.

Q So you can say neither from your own knowledge nor from direct personal report, anything that went on as regards human experiments in concentration camps?

A No, I cannot do that.

Q You said yesterday that the gentleman who submitted these affidavits to you for your signature had discussed documents with you before making certain statements in connection with these documents. That, in summary, was your description yesterday, is that correct?

A Yes.

Q In that case he put the conclusions to you which he derived from these documents?

A Yes, and to which I agreed.

Q And he then asked you whether that wasn't your opinion too, is that right?

A I can't tell you now whether he put that question to me directly--

Q I mean according to the sense?

A Yes, according to the sense, that is correct.

Q He actually caused the affidavits to be formulated in the way he then asked? Did you do that by dictating in that form, or were they submitted to you in the finished form?

A I did not dictate these statements. They were submitted to me. Of course, an opportunity to make corrections.

Q Now I summarize your testimony of yesterday to the effect that the only factual statements made in the affidavits which you signed are statements which cannot be based on what you said but are only based on affidavits which have been submitted to you in connection with the case.

Q Yes, it can be based on the document and conclusions which I derived.

A But conclusions are not facts, are they? I now want to limit myself to the facts.

Q Yes, that is right, no facts.

A Now, I shall have the document book number 8 shown to you. This is the document book regarding jaundice. In this document book you will find on page 3 a letter by Dr. Grawitz directed to Himmler. In that connection you are hearing that subject you made the affidavit NO 371, Exhibit 166. This affidavit starts, "Dr. Grawitz, Reichsarzt-35 wrote to Himmler around the middle of the year 1943 that Dr. Karl Brant desired to obtain prisoners in order to find the cause for epidemic jaundice." Is it correct if I assume that the letter dated the 1st of June 1943 had been submitted to you and that this sentence which I have just read was a copy of the first sentence in that letter?

A This is possible. During that interrogation I remember I had a telephone conversation with Dr. Brant, but I did not remember exactly what it was about. It may be that I brought that telephone conversation in connection with that incident.

Q. Well, you are now saying that Dr. Grawitz wrote, around the middle of 1943, to Himmler, or hasn't this document been submitted to you at all?

A. Well, I really can't tell you that any more. It is possible that it was submitted to me, but I can't tell you that at the moment.

Q. At any rate, this is an indication of a letter which Grawitz was supposed to have sent to Himmler. But then your testimony in your affidavit continues as follows: "He did research work in this field with the collaboration of Dr. Dahmann and the Robert Koch Institute." The wording of that sentence is not the same as it is contained in the letter but is composed in such a manner that any one reading it must assume that you were saying that from your own knowledge. Otherwise, you would have said "Grawitz said in that letter that Dr. Brandt carried on research work" or you would have had to formulate the sentence by saying: "that he was supposed to have carried on research work in that field." You did neither of these things. You are an academic, aren't you and you know the German language. Is it correct that such a sentence, when read to a non-participant and especially when read to the Tribunal, may create the impression that you yourself know about the matter which is stated in that letter? Is that right?

A. Yes.

Q. And that impression is incorrect?

A. Yes, that impression is incorrect.

Q. Did you choose this formulation consciously, or was it submitted to you without having realized what was behind it?

A. I did not choose this formulation. It was contained in the statement in that form when it was submitted to me.

Q. You are now realizing that this formulation gives something incorrect?

A. Yes.

Q. Now I ask you to look at Figure 4. "Himmler wrote to Grawitz that he wanted the permission to carry out these experiments in Sachsenhausen concentration camp, and obtained a number of prisoners from WVHA who were to be used as experimental subjects." In the book which was submitted to the Tribunal, on page 5, the letter which was sent by you as a copy of the original, on page 5, the letter which was sent by you as a copy

Q. Now, was this letter submitted to you when you were interrogated?

A. I think, yes.

Q. And you are adding the following sentence in your affidavit: "I know that these experiments were carried out and that, as a result, a few of the prisoners died." We are here concerned with hepatitis research and you already yesterday mentioned the testimony of Professor Gutzeit. Nobody up to that time knew that human beings died as a result of the experiments. How were you in a position to say: "I know that, as a result of these experiments, a few of the prisoners died?"

A. I have no knowledge of that. That is also a conclusion which I arrived at on the basis of the interrogation.

Q. Well, Dr. Brandt, if you had said "I believe" or if you had said "I assume" then one could discuss that question, but here you are saying "I know" a formulation which cannot be misunderstood, and I am asking you - did you use that formulation during the interrogation, namely, that "I know that prisoners died"? Did you?

A. I don't believe so because I really didn't know it.

Q. In that case you are saying that you did not formulate the sentence in that manner; "I know"?

A. I am quite sure that I did not.

Q. In that case you would logically have to say that the interrogating officer formulated the sentence in that manner and in that manner submitted it for your signature, although you actually did not say that?

A. That can only be explained in that way.

Q. You are saying, under oath, today that neither at that time nor today did you know that prisoners died as a result of those experiments? Is that correct?

A. I don't know it.

Q. Under Figure 5 it says: "Dr. Eugen Haagen, Oberstabsarzt of the 1st Army, also carried out experiments in the Concentration Camp Natzweiler in order to discover effective vaccines against epidemic jaundice". You are saying that: "As I remember, Dr. Dehmann worked with Haagen in the year of 1941 in the Concentration Camp Natzweiler." Now one says: "As I remember", one is expressing that one remembers that event, that is, that one knows about

that incident. Do you want to state that you told the interrogating officer that you remember that Dohmann and Hansen worked in Matzeviller together?

A. I cannot have said that in that form because I had no positive knowledge at that.

Q. Let us leave out the words "positive knowledge". I am just asking you - did you know that Dohmann worked in the camp of Matzeviller, or didn't you?

A. No, I had no knowledge about that.

Q. Wouldn't you also think that this formulation, must create the impression if you were testifying something that you yourself kept in your memory - stated?

A. This impression must arise.

Q. The next sentence reads: "Experiments on human beings who did not volunteer were carried out and such experiments resulted in fatalities."

Do you here saying "experiments on human beings were carried out (a) on human beings who did not volunteer, (b) and in which cases deaths occurred." Did you tell that to the interrogation officer at that time as being part of your knowledge?

A. No, I cannot do that just as little as the recording case.

Q. Then you are saying: "That it is impossible because I didn't know the camp, just as little as I do today." Is that right?

A. Yes.

Q. Are you aware that one would arrive at the logical conclusion that the interrogating officer must have written down something other than you had said?

A. It must be, of course, but naturally I can't remember in detail what it was that I told the interrogation officer. My state of health was not good at that time, for my attitude regarding all these matters is to be completely critical. In addition, I was completely under the spell of the statements which had been submitted to me and also under the impression which I gained from the conclusions of the interrogation officer.

Q. But if you had said anything like that, it would have been incorrect?

A. It would have been incorrect, yes.

Q. In that case, there is only one alternative. Either the interrogation

25 March 1947 -M-2-4-PKP- Karren (Int. Hamill)
Chart No. 1

officer had written down something to be signed by you that you did not state,
or the other alternative, what you have said is incorrect as you are saying
under oath today. Is that right?

A. Yes.

Q. Now, Figure 1 says, and that is a - other - that was frequently used
by the prosecution in order to attempt to prove that a certain circle of
persons - we had knowledge of the experiments and the following words
were put into your mouth: "Karl Brandt naturally knew of these experiments
since he personally fostered them." I believe that this sentence was submitted

you, since the name Brandt could be seen in the letter of the 1st of June,

A. Is that right?

A. Yes.

Q. And then you were told, "Well in that case he must have had knowledge," is that right?

A. Yes.

Q. Do you know from your own knowledge that Earl Brandt had known of these experiments and how they were carried out?

A. No.

Q. The next sentence reads: "Hindlauer and Schroeder may have been informed about that since Dohmen and Haagen are physicians in the medical corps of the army, the air force." Did you know Dohmen?

A. Dohmen? No, no, I didn't.

Q. Didn't you ever get in contact with him?

A. No.

Q. Did you know his position, his function?

A. No.

Q. Is that all you can say about that he was a medical officer?

A. I am only sure I could see from the letter of introduction.

Q. And now it says here that Professor Hindlauer may have been informed about the experiments in Sachsenhausen concentration camp since Dohmen was a physician in the medical corps of the army. Can you state, another reason, under oath, that Professor Hindlauer could have had to have been informed about these experiments other than that Professor Dohmen was a medical officer in the medical corps?

A. No.

Q. In that case we are just concerned with a conclusion drawn from the fact that you were made, but your interrogating officer, is that correct?

A. Yes.

5. You have stated in reference to Affidavit, No.-372, Exhibit 602, letters regarding experiments with Lost gas.
I am exhibiting to you a D current Book 15 and I am referring to Document 100-387, which you can find on page 19, the A current book. This is a letter from Ammerhoef, Dr. Joffe, to Adolf Hitler, with an attached report by Dr. Joffe, concerning his experiments which he carried out by order of the Reichsmacht, as it says there. The last list itemed exhibit which you said in your affidavit: "SS document signed Dr. August Hirt, Professor at the University of Strasbourg and was reported at the Society Ammerhoef, carried out before the year 1941, on projects on lost gas under the name of the Reichsmacht." Furthermore, you are saying that Hirt had been writing reports. It says "by order of the Reichsmacht". Hirt's name is also said in Mueller's affidavit. This report which is referred to on Page 19--is the report which is pointed out to you again and here is exhibited?

A. I believe so, yes.

1. Did you discuss that report with your interrogating officer?

... It is not discussed but I think it is a good

anti nod. However, I cannot remember any details.

4. Doc Two said in your affidavit "33 Hauptstaatsanwalter

2. That the said land was an unimproved lot of land by order of the court, and the said land was not improved by the said land.

On 10 February 1964 when Hart was carrying out experiments

... of the ... is, ... that ...

... returned closer with the SS? In other words, that

Q. Was there a relation there between the Harbort and the SS
child? Isn't that right?

A. Yes; that impression must be created.

Exhibit 1
Ltr. 33-43-3-3-ND-Lesser-(Rambler)-

Q. Now what the date of this report is which
first is the date which is before you now?

A. It bears the date of April 1942.

Q. April 1942 is the date of one I was sent to you,
isn't it?

A. Yes, this is the letter from Siemers to Kirt.

Q. No, from Siemers to Brandt or to you. It is dated
2 June 1942, is that correct--is it?

A. Yes, 2 June 1942.

Q. The attached report is at approximately 1000 words
concerning the signs of the experiments?

A. No, there is no date mentioned on it.

Q. Is it a report when the campaign against France had
ended?

A. I think it was in June 1941.

Q. Where? For France, Russia. I am speaking about France.

A. It is dated 2 June 1942.

Q. Let us say May 1940. Now look at the bottom of that
report. It is before you, under the bottom: "The
use of a few days experiments on small units could not
be carried out since the campaign against France called me
to the front lines, from which I only returned in May
1941." In fact this report refers to experiments which
I carried out when I was still medical officer of the army,
beginning of 1940. At that time, there was no
medical service as yet. And if I had read the
report you would have found out that this was done in
the medical service of the medical military
unit. If I had then signed it, it would have been
signed by Dr. August Kirt and not by you. It is not
bearing the date March 1940 and it is not a report
of the order of the Wehrmacht carried out.

...with lost gas, then that was over the ... among
... First when the
... 1940;
... started
... officer of the ...; finally, I must

... the ...
... carrying out
... was ...
... 1940?

... already belonged to the
... I do not know.

... Are you now saying,
... it?

... First started to work
... first time.

...
...
... during the war.

...
... 1943.
... first time.

... If the ... I don't think this
... I don't understand that
... at ...

... on
...
... is ...
... committed, ...

... his
... vit. He can
... in his
... it. ... can

Part 1
Ref: 25-21-3-5-HB-Lesser-(Rammner)

...; but I must object to this argument type of
... up a document which speak for themselves
... which Dr. Miller said in his arguments in his
... in his briefs. It is a point at any
... the effect of this situation and
... in the record but I don't expect that
... is being hostile to Dr. Miller. It seems to me
... I will be back the next morning
... of these affidavits and ... them with
... of a picture in the record.

Part I

sure in the concentration camp; later under Figure 6 you have said that you are not sure about the technical details of these experiments? I am sure, however, that these experiments were carried through. Moreover I am sure that a number of prisoners died as a result of these experiments."

Q. You should state where from you gained this knowledge?

A. I know nothing about that. I can only say that I saw it in the camp as I was there.

Q. Now it could not be seen from the documents which exist about that matter which were submitted to you that prisoners died; now can you state that you saw that a number of prisoners died?

A. I saw that the prisoners died in that form.

Q. That is exactly because they were ill?

A. Yes.

Q. And in the next paragraph it says "As far as I remember, the prisoners suffered from various diseases in the camp such as typhoid fever with reference to other diseases, yellow fever, malaria, cholera, typhus, hepatitis, cholera, and finally, the nephritis." Do you know what nephritis is?

A. I don't know it.

Q. Now, I wrote it, and you said it, didn't you?

A. Yes.

Q. Could you say "As far as I remember the prisoners suffered from these diseases?"

A. I have submitted to you in that form, and I already pointed out that there is a difference between actual knowledge and the conclusions which I saw, that is, the interrogating officer said, and from what I saw in the camp.

Q. Now you have said that you saw that the prisoners died in that form, which I just read to you. Do you know what nephritis is?

A. Yes, I do.

Q. On the next point it says, "SS Gruppenführer, Dr. Karl Brandt, Reich Minister for the Medical and Health Service, Gesundheitsminister

Part I

Dr. Siegfried Engelke, Chief of the Medical Service of the Wehrmacht, Generalarzt Dr. Paul Hestock, Vice President for Science and Research, and (referred to) Dr. Oskar Schaefer, Chief of the Medical Service of the Luftwaffe, must have known about Dr. Nagen's experiments on human subjects?" Do you know any other facts which would in any way justify you to say that the indicated persons had had knowledge of the experiments on human subjects?

A. No.

Q. And now there is a final sentence in the affidavit which I think is a rather important one, and that is: "These experiments were carried out in connection with the scientific and medical research work of the Wehrmacht and the Luftwaffe and were carried out without their knowledge and approval." Did you believe in the interrogating officer?

A. No.

Q. Can you maintain that statement with you today?

A. No, I can't maintain that statement.

Q. Yes.

A. No, I cannot maintain it.

Q. Did you have any facts or information you could derive from before all these questions?

A. I have no facts, knowledge.

Q. That is really a conclusion on the basis of the position that the Wehrmacht has held.

A. Yes, I signed an affidavit No. 329, which really means that the selection of a number of people is made —

Q. CHAIR: I wonder if it would satisfy Dr. Engelke if the prosecution did not ask the witnesses will testify to the same facts as to all the facts which he signed. I don't know what were his or ask him to say that he has signed it. The prosecution is perfectly willing to stipulate that he will testify to the same effect as to all the facts which he signed, and it will save us a lot of time and trouble of having him go through the process of signing affidavits.

DR. UELAND: I would be far more expedient if the prosecution would perhaps withdraw all the affidavits, which were made by Rudolf Brandt. In that case, we would not have to concern ourselves with the affidavits at all.

DR. KATZ: That is hardly the same thing as we suggested. We will not withdraw the affidavits, the witness on the stand signed them under oath and we submit the affidavits. We are willing to stipulate that this witness will testify that his affidavits were not based on his personal knowledge. He has testified in the past to four or five, I understand that he testified directly that they were all not based on his personal knowledge. We want to stipulate to the fact that he will testify in the same way with respect to the other affidavits, which Dr. Kato is about to ask him about that he will testify.

DR. KATZ: I don't know whether this is the worst of the exercise, the prosecution is just telling me that the witness is going to say the same thing all the time; if the prosecution would tell me that they assume that all the facts which concern my clients are to be determined on any personal knowledge, merely on the basis of the statements presented, merely on the basis of the statements, then I may perhaps be satisfied with it, or if the prosecution would say that on the basis of these affidavits of Rudolf Brandt versus Paul. Kato, they will not draw any evidential conclusions. If the witness says, I must bring the proof in over a to where the defendant Kato is concerned that this proposition is incorrect.

DR. KATZ: If the original plan, I think it is the distinct plan to bring the case to Dr. Kato and then to the Tribunal. We have a plan to bring the case to the Tribunal on the basis of these affidavits. We are willing to stipulate that this witness will testify, as he has testified, that his affidavits were not based on his personal knowledge. We want to stipulate to the fact that the witness will testify that his affidavits were not based on his personal knowledge. I don't think there is any part of Dr. Kato, I think it is inadvisable if the time of the trial is consumed by raising this type of question. The witness has given

and while say with everything and he can do nothing more for Dr. Kelto and
his effort has been already done. He was put under a very short examination
for about three hours and I think it is inexcusable that the defense counsel
will take up another day or so putting the same type of questions to him,
which he has already answered. We are willing to stipulate, as I have already
outlined, that he will continue to testify in the same way on the other
affidavits and I don't think there is anything more that he asked for.

DR. KELTO: We are not concerned here with time, time can take no
difference as we are concerned with the finding of the truth. I am seeking
truth and if the truth is in any way covered over, it has to be uncovered
and clarified, but I think I am satisfied with the statements made by Dr.
Kelto, namely, that he or rather the prosecution, will not draw any con-
clusions as to the guilt of these people from these affidavits incriminated.

DR. KELTO: And of course not drawn by what he stated my stipulation
was in the record, it's perfectly clear and Dr. Kelto must understand I
stated it three times.

JUDGE SAWYER: I am afraid there is what you said, that you would not
draw any conclusion, that is precisely what you said, you would not draw any
conclusion from the statements made by Dr. Kelto in his affidavits.

DR. KELTO: He asked me to stipulate, as I understood it, that this
affidavits were based on statements submitted to him and he has no
personal knowledge. Obviously the prosecution will not stipulate to any
fact. He will stipulate to that fact is what this witness will testify,
and it is entirely different matter. All the witness can do now is to
testify that he based his affidavits on statements submitted to him, as he
has stated it is reportedly, that is the fact. The prosecution does not want
that, and we - it will continue to testify in that way. In order to any
other, we are willing to stipulate to that he will testify in that respect, but
we cannot, certainly not admit the truth of it. In that regard, we can
stipulate to what he has said.

DR. KELTO: In that case the prosecution is stating that the affidavits
are only covering the matters which are contained already in

Documents, that is, they are not going to draw any conclusions from the testimony of Rudolf Brandt, but only from the Documents. I am quite satisfied with the statement by the prosecution.

THE PRESIDENT: I did not understand the statement of counsel for the prosecution as Dr. Folto says. Counsel for the prosecution stated that he will admit that this witness, Rudolf Brandt, Defendant Brandt, now on the stand will testify as to other affidavits, which may be presented to him on cross-examination by Dr. Folto, as he has in the past, that statements in those affidavits were not based on facts within his personal knowledge.

MR. WHITE: But, Dr. McHenry was also kind enough to say that the prosecution is admitting that Rudolf Brandt only wrote in his affidavits what could also be seen from the Documents and that therefore they are not relying on the affidavits, which were made by Rudolf Brandt, but they are only concerned with the interpretation of the documents and that is the way I understood Dr. McHenry, namely that he does not want to draw any conclusions from the statements of the defendant Rudolf Brandt; if that is correct, if I understood it correctly, I am completely satisfied.

MR. CLIFT: Dr. Folto, you understood it exactly one hundred percent when I read it the first time. The Tribunal correctly stated the form of the affidavit, namely that the witness will testify here that those affidavits were based on documents submitted to him and not on his personal knowledge. The prosecution does not stipulate that that in fact is or was the case. We will ask the witness to testify that that is the way it was, and that is all we are stipulating to, and even so all that the witness can testify to here, and he has testified to it at least twenty five times.

MR. WHITE: Dr. McHenry, you have just heard that Judge Soblenius has understood the testimony exactly as I said, namely that you were not going to draw any conclusions from what Rudolf Brandt has said. Now, you are saying that you are merely stipulating that Rudolf Brandt, as he did in previous cases, is going to say that he would not know anything more than that which was written in the Documents, which has been submitted to him.

THE PRESIDENT: The Tribunal does not desire to enter into any particular

discussion over what has been said, it has been heard and it is in the record, Mr. McGraw at least has stated how what his stipulation will be; and if that is not satisfactory to Dr. Holte, Dr. Holte may continue with his examination but his questions should be limited strictly to the point which has been referred to, unless he can show that the witness on the stand will state that his affidavits were false and he knew the statements he made then were false.

Q. In the Document 251-444, which is an affidavit you made, the subject of the concentration camp is being discussed. You were saying that it needed the express approval of Himmler to carry out the experiments on concentration camp inmates; is that correct; do you say that here?

A. Yes.

Q. Now, in this affidavit you stated that it was easy for the physician concerned to obtain permission to carry out experiments on concentration camp inmates; do you know whether Professor Haddloser, or one of his agencies, that is chief of the Wehrmacht Medical Service or Army Medical Inspectorate, has ever tried to obtain such permission from Himmler?

A. I don't know about that.

Q. You were saying furthermore that a number of persons from Himmler's environment were well informed about the experiments, and you were mentioning names of physicians. Furthermore, in some vague form, you say "high ranking circles of the Luftwaffe, the Army and Navy were also involved in the matter." But then you have not mentioned any names here, the formulation could give suspicion against any highly placed medical officer, as for instance Haddloser. Do you see in any fact which could show that Professor Haddloser, for instance, actually was involved in that matter?

A. No.

Q Are there any facts which justify the conclusion that the chiefs of his staff, for instance, Generalarzt Wuerfler, Chief of Medical Services, or Generalarzt Schmidt-Braecker had anything to do with that letter?

A No, I don't even know these gentlemen.

Q It could well be possible that you saw something in your correspondence which could indicate such a connection?

A No.

Q I have another few questions which concern the Defendant, Professor Karl Brandt. In your affidavit, Document 440, you were saying, speaking about the sterilization experiments, that Dr. Karl Brandt certainly knew of these sterilization affairs. In this connection you are not giving us any factual proof from which it could be concluded by whom Dr. Brandt was informed about these sterilization experiments. Can you still maintain that statement that you then made under oath?

A No.

Q When speaking about "lost" gas experiments in your affidavit, you said the following under figure 3:

"In March, '44, the Fuehrer ordered SS-Brigadefuehrer, Dr. Karl Brandt, the Plenipotentiary General for Health and Medical Services, to carry out medical research in connection with gas and gas attacks."

Brandt sent a copy of this letter to Hamler in order to distribute it among the competent persons in the SS and ask them to establish contact with Brandt. Since it concerned experiments, I distributed copies of this Fuehrer Order to Dr. Goebbels, Reichsmarschall and Police, Standartenfuehrer Sivers, from the Ahnenerbe, SS-Obergruppenfuehrer Paul from the WVHA and received a copy of this Fuehrer Order.

Q Do you remember the contents of the Fuehrer Order which was mentioned and which ordered Dr. Karl Brandt to work on gas warfare agents?

A No.

Q You are saying that in this order medical research work was mentioned as a special task. Do you maintain this statement?

A No, I cannot do that.

Q You have sent the order to Siavers, Grawitz and Pohl. Do you know why this was done?

A Here in the document I saw the handwritten notation of Siavers, which he made on the original, where he himself ordered that the three mentioned gentlemen were to receive a copy. The distribution was not made on my own initiative.

Q Did Professor Carl Brandt desire any such notification

A This cannot be seen from the document.

Q In that case, are you saying that your knowledge is solely based on the document and that, therefore, the distribution was only carried out on the desire of Siavers?

A Yes.

Dr. Hamler: I have no further questions to this witness.

Dr. Hamler: Dr. Mrs. Counsel for the Defendant Professor Dr. Schröder: Mr. President, I ask you to permit me to put a few questions to the witness.

CROSS-EXAMINATION

Dr. Hamler:

Witness, in a number of affidavits you among others mentioned the name of Professor Dr. Schröder. You asserted that experiments were carried out under the protection and by order of the Luftwaffe Medical Inspectorate. For that reason I decided like to put a number of questions to you in order to clarify a number of points. At first I shall have the document of the cross-examination, the document of the Prosecution No. 448, which I have shown to you. This can be found in the document No. 5 of the Prosecution concerning sea-water experiments, and it can be found on page 1.

have you that document before you?

A Yes.

Q Could you please tell the Tribunal what you know about this complex of questions or what you know about that complex of questions from your own knowledge and your own memory?

A During the interrogation I only remembered the fact that a request was made to Hamner on the part of the Luftwaffe to carry out experiments in order to render sea-water potable. I vaguely remembered --

and that is what I am going to ask you.

A I vaguely remembered that we were concerned with the testing of two procedures of which one was more dangerous than the other.

Q Now, and now would you please look at Figure 3 of this document. There it says:

The Luftwaffe had at its disposal two methods to make sea-water drinkable. One of them was extremely dangerous. You were saying something like, weren't you? You say that one was more dangerous than the other. That, of course, is something completely different than saying one of them was extremely dangerous, isn't it? Well, what is correct?

A Well, I can't remember to have used the word extremely.

Q Did you say that one was more dangerous than the other?

A I would assume so because I vaguely remembered that.

Q In that case I must assume that you did not wish to express in your affidavit that one of the methods to make sea-water drinkable was extremely dangerous. You did not wish to express that thought, did you?

A No, I did not.

Q. You're continuing into your affidavit: "Consequently that is for this reason that one of these methods was extremely dangerous. General Schroeder, Chief of the Medical Service of the Luftwaffe, requested Himmler to place experimental subjects at the disposal of the Luftwaffe at Dachau. Do you not have that knowledge?"

A. I have no knowledge about that.

Q. Well then how is it that this passage gets into your affidavit? What is other conclusion can be drawn but that General Schroeder, or Professor Schroeder, in his capacity as medical chief of the army, requested Himmler to place experimental subjects at his disposal, since he considered these experiments extremely dangerous, or at least one of these methods extremely dangerous? Is that not right?

A. I couldn't draw that conclusion at that time.

Q. You couldn't draw it and you didn't want to draw it?

A. Yes.

Q. Was this affidavit submitted to you in that form afterwards? After your investigation?

A. Yes.

Q. Why didn't you object against it?

A. I repeatedly told you the reasons. I had no power of differentiation. Even if my State of Health to differentiate between positive knowledge and suspicion.

Q. Witness, I must ask you those questions in this case because it is admitted that further statements would be extremely incriminating for you if it wasn't correct. In that case I ask you not to get annoyed if I ask questions to you. In Figure 4 it is further stated -- have you seen Figure 4? "Himmler approved Schroeder's request and the experiments were carried out. It was expected that some of the prisoners would die as a result of the experiments but I do not remember whether deaths occurred."

Q. Now this passage originates, namely, that it was expected that

some would die as a result of the experiments?

Q As I remember there is a report contained in the document, and I think this report was submitted to me. On the basis of this report and our subsequent discussions this formulation was chosen as the part of the presentation.

Q Were you asked what conclusions you drew from said report?

A I don't remember any details but I don't think so.

Q Did you consider yourself capable to draw any such conclusions from the report?

A No.

THE PRESIDENT: Council at this time the Tribunal will be in recess.

(.. short recess was taken)

25 Mar 17-48 - 8-1 - LJC - Gross - (Int von Schoen)

THE AMBASSADOR: The Tribunal is again in session.

Dr. Seidl: (for the defendant Dr. Oberheuser: Dr. President, the defendant Oberheuser asks to be excused from the afternoon session today. She is still suffering somewhat from the consequences of her operation. A medical certificate will be submitted later.

THE PRESIDENT: On request of Dr. Seidl, attorney for the defendant Oberheuser, that she be excused from this afternoon's session if her absence will not prejudice her she may be excused. A medical certificate is to be filed in due time with the Secretary General.

BY DS. LAX:

Q. With the approval of the Tribunal I shall now continue with the examination of the witness. Witness, I shall show you the excerpt from the document book again. We had stopped at the point in number 1 where you said that "Seussler and his associates in the Luftwaffe must have known, according to my opinion, that these experiments, as well as the low pressure and freezing experiments, would not have been conducted on volunteers only. Now I ask you, did you have any factual evidence for this assertion?

A. No.

25 War 47-48 - 9-1 - LRG - Haley (Int von Schoen)

Q. Then how did this come to be put in the affidavit?

A. It was an assumption of mine on the basis of Officer Schroeder's position.

Q. Then the question was brought up whether volunteers were used in these experiments, is that so.

A. Yes.

Q. And you said that in your opinion the experiments were conducted on non-volunteers; and didn't you say that at all yourself?

A. I cannot remember details. It is possible that I said that.

Q. Did you realize that this was a very important charge, that this would be a very important charge, or didn't you realize that?

A. No.

Q. Now, will you please look at Document No. 371, Prosecution Exhibit 186 in Document Book VIII. That is the second part of the excerpt. On page 1 it says "This is your affidavit of the 14th of October 1946." In this document you spoke about experiments of Dr.

, Officer Dr. Dehnen and Dr. Hagen; what did you know about these experiments from your own observation or what did you know regarding them when you were brought to Nurnberg?

A. I did not know or remember anything.

Q. But you expressed certain knowledge; were documents shown to you by the Prosecution?

A. I cannot say from memory.

Q. Now, a few questions on the document itself. You say under No. 5 that Dr. Egon Hagen, Oberst-leutnant of the Luftwaffe, and Consultant Hygienist, had also been doing research work at the Hatzefelder Camp in an effort to discover effective inoculation against typhoid and jaundice. Now first, how does it happen the emphasis is given to Dr. Hagen's capacity as Oberst-leutnant in the Luftwaffe and Consultant Hygienist; by yourself give those, in fact?

A. No.

Q. Did you know he was Obersturmbefehlshaber in the Luftwaffe?

A. I don't believe that I know it.

Q. Did you know he was consultant hygienist?

A. No, unless that was indicated in the document.

Q. Do you know what a consultant hygienist is at all; please tell the court.

A. I have no actual conception of his work.

Q. Did you know that Officer Hagen, aside from his position as Obersturmbefehlshaber in the Luftwaffe and consulting hygienist in the Air Fleet staff, was at the same time, that he had a civilian position at the University of Strasbourg, did you know that?

is correct I directed the examination of that particular witness, and I believe the witness stated to her knowledge no experiments were conducted as to the research of hepatitis, and I want to clarify that before the question is put to the witness.

Q. Now, Your Honor, I can not say with certainty, but as far as I remember the witness Schmitt in answer to my questions, I believe, said that she could not assert that the hepatitis experiments were experiments on human beings. If the Prosecutor thinks his theory is better, I will say nothing, but until the contrary is proved I should like to maintain my point of view. But this isn't important. The only question here is the witness White what was said on this point was not said on the basis of his own knowledge.

Q. Witness, now I come back to my question, under No. 6, in this document which is where you said that Professor Schroeder, and you also mentioned Handlauer, but Schroeder is the one I am interested in, you said Officer Schroeder must have knowledge of these ostensible experiments because he was a doctor in the medical service of the Luftwaffe. I ask you, am I to take it that this assertion is simply merely an assumption on your part?

A. Yes.

Q. You did not have any factual evidence for it?

A. That is true.

Q. The next document -- please keep your affidavit of the 14th of October 1946 before you -- you spoke of the typhus experiments as well, is it again the case that you did not speak from your own knowledge and that you merely anticipated the facts, but that you were merely drawing a conclusion as subsequently, from documents?

A. Yes.

Q. Did you know anything at all about these experiments?
A. Did I ever hear anything about these experiments?

Q. As far as the documents - the correspondence of our office indicated, yes, but nothing beyond that.

Q. If you look at No. 4, which is the assertion that
"under the direction of the Medical Office of the
Department, I have been told that these alleged experiments
were conducted on concentration camp inmates on behalf of
the United States Army of the Medical Inspectorate of the
Army?"

A. I have no other statement to it.

Q. I am interested in the expression "under the
direction of the Medical Office of the Department." You
didn't mention this expression yourself?

A. No.

Q. And then only one more question. Under No. 8 is the
statement "I have been told that General George S. Patton, Dr. Barker
Karpis, and other famous names were used in these experiments on
concentration camp inmates." Is that correct or not?
A. It is only an assumption, but why did you say
"I have been told"? You did not say this at present yourself?

A. Yes, I did. There was no other limitation which I

Q. You said it was only an assumption.
A. I am not sure. I said I did not know if it was
or not. It is only an assumption.

Q. Yes, but it is only an assumption.

A. I am not sure. I said I did not know if it was

Q. That is what you want to say?

A. Yes.

Q. You know how that was translated into the English? Did you see the translation? Did it say "I suppose"?

A. I didn't see the translation.

Q. Then may I state in conclusion that all your assertions which concern Professor Schroeder or the Medical Inspectorate, or the Luftwaffe are merely assumptions or conclusions drawn by you from documents presented to you?

A. Yes.

Q. But you admit that you have no factual evidence from your own knowledge for making such statements?

A. No, I did not.

Q. And you admit that you have no right to draw such conclusions. First, from the point of view of your state of knowledge at the time and, in the second place, because it is not your job but the job of the court to draw conclusions from fragments?

A. I did not realize that.

Q. Do you admit that, in a careful examination of your records and your mental deposits, you should have refused to make such statements?

A. Yes, I should have.

Q. DR. BIER: I have no further questions to put to you today.

DR. BIER (Defense Counsel for the Defendant Bismarck):

Q. Witness, I must put an affidavit to you which you signed on the 14th of October, 1945, to the prosecution. This affidavit is in German and is in the Substitution of Affidavit. Its number is 441, Exhibit 205. Do you know this affidavit?

A. Yes.

Q. It is the same affidavit which was read here today, and at the end of which was mentioned the

Q - of 8-10,000 tubercular films, which you then had
carried to "Dumoulin". You remember this affidavit?

A. Yes.

Q. Witness, do you know when the arrest of Dr. Blum
was required with Reichsfuehrer SS Himmler?

A. No.

Q. You said "no"?

A. No, I cannot say.

Q. Do you know it now? According to the trial?

A. I've forgotten again.

Q. Please?

A. I've forgotten again.

Q. You're forgotten? But you were here in the court
room when the defendant Blum said, under oath, that he met
Himmler only in July or August of 1943. Do you remember now?

A. Yes, that's right.

Q. Could that be right? Could it be true that the
defendant Blum said an oath before that he met Himmler in
July or August 1943? I'm asking you because you were always
with Himmler and you knew his schedule. According
to your knowledge, was that true?

A. I don't know, I don't think so - it is not true.

Q. Do you know, or when you made your statement on the
1st of October, 1946, did you then claim this fact for the
first time of the tubercular films existed? In what year?

A. I did not remember this until the documents
were found.

Q. Yes.

A. I didn't remember the films at all?

A. No.

Q. Witness, can you remember Dr. D. August Spick? This
man - what was his name? That was the name of documents
found at this terrible drive. Was this
man the same as the documents given to you?

That you yourself had passed on many documents and that you might be able to tell me this? And, today, you're telling me, under oath, that you've forgotten it? Have I understood you correctly?

A. Yes.

Q. Then, in short, you have forgotten that the document for your hands - the one to kill eight or ten thousand Jews, or twenty-five to twenty or thirty thousand Jews? You've forgotten it completely? Do you still think it's a fact, under oath, witness.

A. Yes.

Q. Witness, you have today said the plan for the extermination of Jews did not exist in the 1940s? You've said that today; then the trial and the documents? Isn't that true?

A. Yes.

Q. In your affidavit which I asked just a moment ago, you say: (I quote) 'Dr. Blum, from time to time, called me to see him about Hitler's extermination'. Gröner's affidavit, which is a reflection of what he said to his daughter, says that twenty-five to thirty thousand Jews were exterminated in the 1940s? Isn't that true? Isn't that true?

A. Yes.

Q. Was the document which was in 1940? You just said that didn't exist.

A. Yes.

Q. Then, you'd just said that this plan was approved by Blum with Himmler - or rather that Blum was a witness from time to time for that purpose. Now, I've just said that you've said that in 1940, that he and Himmler in 1943; that's not the

only in 1943? Do you still assert today, that at the time
of this plan in 1943, as it says here, Blom called on
Himmler from time to time?

A. I never want to say that.

Q. But it says so here witness. You can read, can't
you, witness? It it says here Dr. Blom called on
Himmler from time to time and supported Goebbels's suggestion"
where can be a difference of opinion on this sentence, not
even for you, and I should like to know from you how did
you come to make such a statement, under oath? Under oath,
witness? Explain it to me.

(No response).

Q. (continuing) Witness, I am waiting for your answer.

Q. The same thing is true of this affidavit as of all the others. I signed it in the form in which it was submitted to me.

A. Witness, I cannot accept to answer. In this case you cannot get out of it with that explanation. Witness, in all the other cases you have always said what had been shown to you was only conclusions which you had drawn from documents, isn't that true? Now tell me a single document, witness, where it is supposed to have said that Bloch called on Himmler from time to time to support Goebler's suggestion. Tell me of even one document if it exists at all.

A. There are no documents for this.

Q. But witness, the interrogator or the prosecution could not have shown you such a document then. He did not have any documents for this.

A. He asked me whether Professor Bloch ever called on Himmler and I said "Yes." Then those two sentences were probably set up like that although they did not belong together from a point of view of time.

Q. And you, Dr. Brandt, signed it on your oath, didn't you?

A. Yes.

Q. Then today you no longer maintain this statement?

A. No.

Q. Witness, in your affidavit of the 24th of October 1946, that is the same affidavit, there is the following sentence. You say first that Dr. Bloch called on Himmler from time to time and supported Goebler's suggestion, a statement which you cannot maintain today. Then you say, and I quote: "The end of 1942 and beginning of 1943, Goebler started with the extermination of the Jews in the Berlin Ghetto, and the drive against tubercular Poles was completed at the same time as the drive against the Jews. According to my memory as a result of the suggestion made by Bloch, ... you say Bloch, witness, ... and Goebler, '8,000 to 10,000 Poles were exterminated.' End of quotation. Then later you changed this matter to read "numerous Poles." Witness,

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do you want to maintain this statement today, under oath?

A. I gave an explanation yesterday of how I arrived at these figures.

Q. No, never mind the figures for the moment. Answer the other question -- whether you mean to maintain, on your oath, that this drive against tubercular Poles was actually carried out?

A. No, I can't do that because I don't know about that.

Q. Well, witness, that was a statement which was made by YOU. The interrogator did not ask it. You were the confidant on the staff of Himmler. That was not suggested by somebody else. You said that, yourself, and on your oath.

A. I gave the explanation yesterday.

Q. That was no explanation, witness, at least not for this statement. Witness, do you know today that this plan of Greiser's was not carried out at all? Do you know that from the documents which have been read here?

A. Yes.

Q. You know that now?

A. Yes.

Q. And do you realize that these documents do show that you knew exactly that the plan was not carried out? Witness, I will make my question more detailed. A letter was read on the stand which Himmler had written to Greiser, where he referred to an order from Adolf Hitler and said that this Polish drive had to be stopped for the reasons which Dr. Blum has given. Do you remember this letter by Himmler?

A. Yes, but I wasn't shown this letter in the interrogation.

Q. But, witness, in 1942 this letter went through your hands.

A. It was one of a hundred thousand letters which went through my hands that time.

Q. But, witness, at that time you knew that 25,000 or 30,000 sick people were to be killed.

A. If I had read the letter as carefully at that time as I have

Q. You can't have to read the letter carefully. If you read it at all, if you just glanced at it, you should think that it could not have escaped your notice. Do you want to admit today, witness, under oath, that Dr. Greiser's plan for the liquidation of the Poles, was given to you completely, and that the documents clearly show this? Do you admit that?

A. The documents indicate it.

Q. Do you remember anything else?

A. I do not remember this case at all, only with the aid of the documents which have been submitted.

Q. Witness, I want ask you something. You were on Himmler's staff. You had a responsible position. Did you sign everything blindly, without reading it?

A. I gave the signature yesterday. I said that because of the volume of work it was simply not possible to read everything.

Q. Witness, it was not just once in 1942 that you learned of Dr. Gluck's point of view that he was against the Polish drive, but twice, and in both cases, as can be proved, the letters went through your hands. One time was Greiser's letter to Himmler with the opinion of Dr. Gluck which was for the establishment of a reservation and against liquidation. And the second time, the answer, Himmler's decision that this plan was not to be carried out. In other words, you dealt with the matter twice. You learned twice that Dr. Gluck rejected it and you never mentioned that. You said quite to the contrary under oath.

Witness, I have a question for you on another subject, Last experiments. You have been given an affidavit here, one without date, which is in Document B-13, Ex. 142. You name various persons in this affidavit who carried out the last experiments which were connected in some other way with the last experiments. You mentioned first, Professor Hirt, then Oberst Dr. Gluck, and your three co-defendants, Dr. Karl Brandt, Dr. Handloser and Dr. M. Meck, and at the end you say, and I quote: "Dr. Gluck was also no doubt informed about these experiments." End of citation. Do you want to maintain this statement today, Dr. Brandt?

A. No.

Q. I don't. Today, under oath, you say that that is not true?

A. It was only an assumption on my part, which was put on record.

Q. An assumption on your part. Did you have any factual evidence to support this assumption, which would make it seem probable that Dr. Blum actually was connected with these last experiments?

A. No.

Q. No. And then, Dr. Brandt, a last question, of a similar nature but I must ask it because you mention other experiments and you try to incriminate Dr. Blum in connection with these other experiments to . . . In your affidavit of 24 October 1946, Document 444, Exhibit 329, you mention low-pressure experiments, freezing experiments, sea-water experiments, typhus experiments sterilization experiments, last experiments, and gas experiments, all of them conducted in a concentration camp inmates. Then you mention a number of your co-defendants who, you say, were connected with these experiments, and at the end you say, and I quote: "Overt Blum, in his capacity as Conti's deputy, must have been informed, just as well as Conti himself." You signed that under oath, didn't you?

A. Yes.

Q. Do you want to maintain this statement today?

A. Just as little as at that time.

Q. Dr. Brandt, you are a lawyer. You have experience. On the 24th of October 1946 did you know what function the defendant Dr. Blum had as deputy of Conti?

A. No.

Q. You did not know that?

A. No.

Q. And, never-the-less, you signed an affidavit saying that Dr. Blum, as deputy of Conti, must have been informed just as well as Conti himself.

DR. SAWYER: Mr. President, I have no further questions to put to this witness. I thank you.

Q What was the organization of the Ahnenerbe; who was Sievers' superior?

A Professor Wuest was the immediate superior.

Q Professor Wuest; that was the curator from 1937 on?

A Yes.

Q And who was above the curator?

A Himmler himself.

Q Himmler himself; do you know whether Himmler repeatedly had discussions with Professor Wuest?

A Yes.

Q The organization of the Ahnenerbe was such that specialized departments existed, a number of them, and at the head of each department was the chief of that department, a section chief, is that so?

A Yes.

Q Do you know that Himmler himself got in touch directly with these section chiefs without Wuest or Sievers knowing anything about it?

A Yes, that happened.

Q Did it happen that Himmler went to see the men personally; some of them were not in Berlin at all?

A Yes, on official trips he paid such visits.

Q Do you know that Himmler in connection with his research assignments, which he took under his own protection, was especially interested in them and watched over them jealously so that no third person could interfere in them?

A Yes.

Q And do you know anything about instructions from Himmler that absolutely his knowledge a third person was not to be allowed to learn anything about the execution of such research assignments?

A I believe there is even an order to that effect.

Q What do you have to say about this order?

A I don't remember it, unfortunately.

Q Sievers was frequently in your office?

A Yes.

Q From a certain period of time on; did Sievers complain to you that the Ahnenerbe was being burdened with assignments which were completely alien to its structure?

A As often mentioned that.

Q What did he say about it; what was his point of view, did he consider this addition to the research assignments a burden or was he willing to support it?

A Yes, he considered it a burden especially because of the amount of his work which was already almost too much for him.

Q Do you know that Sievers went to Himmler himself and tried to have the assignment of fields of work alien to the Ahnenerbe removed?

A Yes.

Q Did Sievers talk to you about the work of Dr. Rascher in this connection?

A I assume so; but I do not remember it.

Q You know Dr. Rascher; a number of the documents here have said that Sievers wanted Rascher to be taken over by the Waffen SS; did Sievers think on his own initiative or was there an order or a wish from Himmler?

A There was an order from Himmler and also the wish of Rascher himself.

Q Now, I shall have Document B-4 No. 2 shown to you, from which I shall refer to Document 1581-PS, Exhibit 49, on page 60 of the German Document B-4, I shall read it and I quote:

"To the Reichs Business Manager of the Ahnenerbe SS, Obersturmbannführer Sievers, Date 6 March 1942: I refer to your inquiry of 9 March 1942 concerning Dr. Rascher. Reference is made to the low pressure experiments carried out in the Dachau camp in concentration camp inmates by the Luftwaffe, the Reichsführer SS has approved these experiments under the condition that SS Untersturmführer Dr. Rascher, who is anyhow a medical 1st Lieutenant Oberarzt of the Airforce takes part in them."

This inquiry of 9 March 1942 is missing from the Document B-4, consequently I have to learn from you what the contents of this inquiry

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 25 March 1947.)

THE MARSHAL: Persons in the court room will please find their seats.
The Tribunal is again in session.

THE PRESIDENT: Just a moment Counsel, The Tribunal having received the certificate signed by the prison surgeon certifying that Defendant Oberhauser should be excused from this afternoon's session, the Secretary General will file the certificate.

Yesterday afternoon, three members of the Tribunal, having been designated as commissioners to observe and hear the film "I accuse", accomplished their mission and saw and heard the film. They reported that the translations were entirely effective and the the film with the accompanying sound track was both heard as well as seen. The commissioners have unanimously reported to the Tribunal that in their opinion the film is of no probative value whatever in this case. The Tribunal having considered their report, it is unanimously of the same opinion. The Tribunal, therefore orders that the film will not be shown to the Tribunal as evidence, being entirely lacking in materiality or probative value.

Counsel may proceed.

WILFRIED BRANDE - Recused

CROSS EX. EXAMINATION - Continued

BY MR. BRANDE (Counsel for the Defendant Sievers):

Q. Mr. Brandt, before the recess I asked you whether Hitler attach value to the maintenance of greatest secrecy regarding his research assignment. You affirmed that question and you furthermore stated that according to your knowledge there was in existence a special order for the maintenance of secrecy. Now speaking about this special order were you speaking about the basic order Number 1 regarding the maintenance of secrecy, namely, the order of Hitler, or was there yet another special secrecy order issued by Hitler which just concerned his research assignments?

A At the moment I cannot remember that, I would assume that another order was especially issued for that purpose; but I can't tell you that now for sure.

Q In that case you cannot remember the year in which this order was issued?

A No.

Q I shall now have the document Volume 3 shown to you. I am referring to the affidavit which you made on the 6th of September 1946 and which was submitted by the prosecution as Document NO-242, Exhibit 80. On page 4. I will refer to a paragraph which starts with "Siewers was annoyed", and I am going to show you this document book so that you can define your attitude towards it.

(Document book handed to witness.)

Q (Continuing) This passage can be found at the end of the page. It starts with "Siewers was annoyed". "Siewers became annoyed at the intervention of Dr. Grawitz and immediately raised objections against his gaining control of the experiments. Siewers was also annoyed with a report of a conference between Grawitz, Rascher and Obersturmbahnfuehrer Poppenhick, in which Rascher quoted Grawitz as having said that it was an untenable state of affairs, that one who was not a physician such as Siewers should have jurisdiction over medical matters."

Would you please turn to page 126 of the German translation in the very same document volume. We are concerned with the document NO-320, exhibit of the prosecution 103.

This is a letter sent to you by Sievers on the 28th of January, 1943. Would you please read through that letter and then answer the following questions? First, was this letter submitted to you during your interrogation? Were the contents of this letter transferred to your affidavit of 6 September 1946 that you subsequently made?

A. I assume that this letter was submitted to me, but really what I then said in my affidavit would be contradiction to the contents of the letter.

Q. Where did you see that contradiction?

A. Nothing about "being annoyed" can be derived from that letter.

Q. I attach importance to whether you can remember that this letter was submitted to you during your interrogation of the 6th of September, 1946. Can you still remember that?

A. I believe it was submitted to me.

Q. If you looked at the letter, the Document No. 320, Exhibit 103, are you then still of the opinion that Sievers sent this letter to you on your own initiative, in that he personally was annoyed about the behavior of Dr. Grewitz, or is this letter kept along the general line which of necessity was a consequence of the directives of Himmler?

A. The letter is true.

Q. Then you are of the opinion that Sievers personally had no special interest in the development of the situation between Grewitz and Rascher, but that he had to write this letter in order to carry out the directives of Himmler who wanted the collaboration of Rascher with Knochenhauer?

A. Yes.

Q. You know Sievers' diary, don't you? Do you know Sievers' diary?

A. Yes, I have seen it here.

Q. You didn't know it before?

A. I don't remember.

Q. Were such diaries kept in all of the agencies of the Reichsfuehrung-SS?

A. Yes.

Q. That was the result of an order by Himmler?

A. Yes.

Q. From Sievers' diary it can be seen that he reported to the conferences

with you. Has it that come about, and what generally was the subject of such conferences?

A. Himmler originally wanted to receive Gust and Sievers personally in order to discuss their affairs with them since he was personally very interested in the work of Amt Rosenberg. However, it was not possible for him from the point of view of time to carry on these intended conferences. In this manner the only way out was that Gust and Sievers approached him by way of writing, that is, writing to him personally or sending their letters to me. In order to avoid an extensive correspondence, Sievers and I arranged that he would visit me from time to time; I could then note down whatever he had to say and then read my notes to Himmler, and then inform Sievers about his decision either orally or by telephone, that was his order.

Q. That always concerned very concrete cases?

A. Yes, very concrete cases. There were various points of discussion which he accumulated through the week.

Q. And when Sievers turned to you: you shortly noted the contents of the points of discussion and then submitted them to Himmler who made his decision?

A. Yes.

Q. I have yet another three questions which concern different chapters. Do you still remember the case of Professor Seip who was the rector of the university at Götting since the middle of 1942 was a prisoner of the Gestapo in the concentration camp of Sachsenhausen. Do you remember this case?

A. Yes, Sievers reported this to me.

Q. In what manner? Did he tell you that Professor Seip, the rector of the University of Götting, was in Sachsenhausen?

A. Yes.

Q. What do you know about the further development of this case of Professor Seip. Did Sievers take in connection to Himmler in the fall of 1942 which had as a result that Professor Seip was released from the concentration camp Sachsenhausen Christmas of that year?

A. Yes, that is in accordance with what happened.

Q. Therefore, it was because of Sievers' intervention that Seip was released?

A. Yes.

Q. And now my 1st question: do you know the case of the several hundred Norwegian students who in the beginning of 1944 were interned in the concentration camp of Buchenwald?

A. Yes.

Q. Can you tell the Tribunal anything about upon whose intervention these Norwegian students were released?

A. Siewers here again was active.

Q. Do you know the reason which moved Siewers?

A. Well, I don't know them in detail, but I think that he interfered because he was not in agreement with their imprisonment, and that he immediately wanted a change.

Q. Do you know when this change in effect occurred?

A. I don't know that, but I assume that it was done immediately.

DR. WALKER: Mr. President, I have no further questions.

DR. STEINBUER: Dr. Steinbuer, counsel for the Defendant Beiglböck

CROSS-EXAMINATION

BY DR. STEINBUER:

Q. Witness, I have a very short question to put to you: were political considerations of importance regarding the assignments of physicians for certain experiments such as the water experiments?

A. I don't remember that any such question ever arose.

Q. In that case you say that this was not the case.

A. Yes, I don't remember it.

DR. HOFFMANN: Counsel Hoffman for Dr. Pokorny.

CROSS-EXAMINATION

BY DR. HOFFMANN:

Q. Witness, I am going to submit to you Document Volume No. 6. In this Volume No. 6 you make an affidavit regarding sterilization experiments. Now you please look at page 22. There under paragraph 5 you write:

"As a result of Pokorny's suggestion, experiments were carried out on concentration camp inmates in order to test the effectiveness of the drug."

On what is your evidence based, and is what you say there correct?

A. I have no knowledge, and in this case, too, this is an assumption on the basis of the document material submitted to me and the subsequent discussion with the interrogation officer.

Q. Witness, what documents were submitted to you on that occasion? Can you remember? I assume that those were your own documents. Just turn to page 19 of the same volume; there you write to the Deputy Gauleiter in Lower Danzig regarding this matter. Do you remember that letter?

A. Yes, after it was submitted to me I remembered it.

Q. And there in the second paragraph you say:

"The growing in hot houses is a very tedious process and the yield does not seem sufficient to carry out the planned experiments on a larger scale."

You couldn't derive from this document that experiments were actually carried out, could you?

A. No, I couldn't.

Q. Then you had some further correspondence in that matter, and this brings us to the last document also in volume 6 which you find on page 25, and there you say in the last paragraph:

"I have sent a copy of your letter to SS-Obergruppenfuehrer Pohl with the request for further action. I am sure that you will receive a reply from his agency within the next few days."

This letter originates from you and is also sent to the Gauleiter of Lower Danzig by the name of Gerland. I assume from this letter that you gave the entire matter over to Pohl after the 25th of October, 1942, or did you do anything more in that matter? Did you continue to deal with it?

A. I don't remember having worked on that further.

Court I

Q. Then it is really true to say that you neither knew that experiments were carried out nor that they were not carried out?

A. I don't tell you whether any experiments were carried out.

Q. On June 19 I have submitted to you your letter of the 29th of August 1942, now let me turn back to page 13 of the same volume. Here you will find a file notation by you, in the next but last paragraph it is said: "The Reichsfuehrer's office requests further that with the possibly existing ingredients of some plant in hand, sterilization experiments should now in any case be carried out in the concentration camps." Then the next paragraph, which is: "Obergruppenfuehrer Paul Goebbels to take the necessary steps at once." This file notation is from the 22nd of June 1942. On the 29th of August 1942 you are still speaking of it. Therefore, it is not true that any experiments were carried out on the basis of this file notation in that respect?

A. I don't know what was the result of it. I don't know what actually happened.

Q. But I can see you didn't have written on the 29th of August 1942, that is to say, at this time, that these matters were still in a planning stage. Wasn't it so the latter was so?

A. The report passed to Berlin is based on a directive by Himmler. I don't have written anything like that of my own knowledge.

Q. Very well, but you wouldn't have written experiments were planned, if any experiments had already been carried out, on the basis of the previous file notation in June.

A. Yes, that is to be assumed.

Dr. Goebbels: Thank you.

THE COURT: Is there any further examination of this witness by counsel?

DR. FISLER (Counsel for the Defendant, Rudovsky)

BY DR. FISLER:

Q. Witness, do you stand in a position to see Rudovsky?

Exhibit I

Q. I saw him not at Himmler's headquarters.

Q. Did you see him for any length of time?

A. I only saw him when he was introduced, that is on the occasion of lunch at Himmler's.

Q. What do you know as to Rugowsky's activities?

A. I have no concept at all what activities he really exercised.

Q. I shall have the present exhibit 170 submitted to you. It can be found in document book No. 6, page 53 of the German copy. Will you please read the last paragraph? It is page 54. I think this is a file notation regarding "discussions about sterilization." Will you please read the last paragraph: "The Reichsfuehrer SS emphasizes to us all participating gentlemen that we are here concerned with a subject which can only be discussed internally, whereby the same are asked to avoid visits or conferences had to keep secrecy." Do you read out this file notation?

A. I only remember it because it was submitted to me.

Q. Now would you please look at document No. 440 in the document book Exhibit 141, which can be found on page 1. This is an affidavit sworn by you. Did you find it? This is an affidavit sworn by you which also concerns sterilization experiments. In the last paragraph, No. 8, you say: "Karl Brandt, Reichsphysician SS Dr. Graef, and Dr. Gebhardt certainly were familiar with this sterilization matter. Furthermore, Popendick and Rugowsky probably had knowledge of it also." This is a confirmation of the file notation which you just read wherein is contained the express order by Himmler to keep all matters secret, particularly to keep away from me, how do you and your assumption as to Rugowsky know about sterilization?

A. I am no longer subject to the assumption.

Q. Did your statement to the Commission itself on any facts, facts known to you that would indicate the participation of Rugowsky in any sterilization matter?

A. No.

Q. I shall now have shown to you the document No. 444, introduction exhibit 329. This document can not be found in any document volume. It is singly

Chart I

A. I saw him only at Hitler's quarters.

Q. Did you see him for any length of time?

A. I only saw him when he was introduced, that is on the occasion of lunch or dinner.

Q. What do you know about Lugowsky's activities?

A. I have no concept at all what activities he really exercised.

Q. I shall have the Executive Exhibit 170 submitted to you. It can be found in document No. 6, page 53 of the German copy. Would you please read the last paragraph? It is page 50. Witness this is a file notation regarding discussion of sterilization. I ask you please read the last paragraph: "The Reichsmarshall SS expressed to us all participating gentlemen that we are here concerned with a subject which can only be discussed internally, whereby the fact that we talked to certain visits or conferences had to keep secrecy." Do you read the last file notation?

A. I only read the last sentence of the last paragraph.

Q. Now would you please look at document No. 440 in the document book Exhibit 141, which can be found on page 1. This is an affidavit sworn by you. Did you find it? This is an affidavit sworn by you which also concerns sterilization experiments. In the last paragraph, No. 8, you say: "Karl Brandt, Reichs Physician to Dr. Goebbels, and Dr. Gebhardt certainly were familiar with this sterilization matter. Himmler, Jochenberger, Jochenberger and Lugowsky probably had knowledge of it also". I ask you to consider again the file notation which you just read wherein is contained the explicit order by Hitler to keep all matters secret, pertaining to sterilization, how do you explain your assumption that Lugowsky knew your sterilization?

A. I can no longer maintain this assumption.

Q. Did your statement at that time in itself on any facts, facts known to you that would indicate to you particularly that Lugowsky is the sterilization matter?

A. No.

Q. I shall now have shown to you in document No. 444, production Exhibit 329. This document can not be found in any document volume. It was singly

Court II

submitted by the prosecution. It is an affidavit made by you dated the 24th of October, 1946. Won't you please turn to paragraph 5 on the second page? It says there, at approximately the middle of the paragraph 5, "Mrugowsky and Foppendick, both members of Grwitz' office, as well as Silvers, must have had knowledge about the experiments just as I did on the basis of the orders given me." Now you were concerned with the selection of the prisoners used for these experiments. You were just saying, witness, that you had no conception of Mrugowsky's activities. Now then can you justify this statement that Mrugowsky must have known just as much about these experiments as you on the basis of orders given to you?

A. I cannot maintain that statement either.

D. (to the Court): Thank you, I have no further questions.

The Court: Is there any further cross-examination of this witness by the defense counsel?

There is none, the prosecution has cross-examined him.

CROSS EXAMINATION

BY MR. REEDY:

Q. Dr. Wright, for the past two days the witness Maine appeared in this court room to testify in your behalf. Now regarding the witness Maine, was he your subordinate?

A. Yes.

Q. When I questioned Maine concerning his knowledge of medical experimentation upon human beings in connection with the, he answered that he had no knowledge thereof, do you recall that?

A. Yes.

Q. In addition when I got the document signed by Maine concerning the transfer of one, Dr. Winter, to the 11th SS for the purpose of collaborating with Professor Dr. Kirth, Maine at that time had no knowledge whatsoever as to the specific experiments referred to in the document. Do you recall that?

A. Yes.

Q. Now, to your knowledge, did Reine have knowledge as to whether or not Professor Hirth was working on IG37?

A. If he said that there is no contradiction there because of the fact because he was my subordinate. His place of work was Berlin. I was at the headquarters.

Q. Well, now, of course, you do not deny that you knew about Professor Hirth's work with IG37?

A. Not any more than can be seen from the documents. That is fact itself.

Q. That is sufficient.

MR. HARDY: May it please the Tribunal, unfortunately I just uncovered this document which I could not put to the witness. (Going to the stand before I have found the document.) It has not been translated. I didn't intend to put it in as an exhibit but it is a document signed by Reine, and I want him to read it for identification and ask him a few questions thereon. It is very short. I don't think we will have too much of a translation problem with it. This is Document NO-1368.

Q. Is that your signature, witness?

A. Yes.

Q. Will you kindly read that letter slowly so that the interpreter may follow you?

A. "Dear Court's Members —"

DR. REINE: Mr. President, may I interrupt for a minute. I believe that it is the rule of the Tribunal that the defense counsel may know about the document which is being submitted to the witness for the first time during or after examination or, I should like, thereafter, to ask for a place in that document.

MR. HARDY: I submit again, your Honor, that we do not have copies of this document. I just uncovered the document. The defendant is now on the stand. It would be unreasonable to expect him to recall the witness at an hour like this put this document to him. It's a document

signed by the Defendant. I am requesting him to identify it. The Defendant will read it. Defense counsel should have due notice thereby.

THE PRESIDENT: Under the rules of the procedure, counsel is entitled at this time to have the witness identify the document. It may be marked as identification but the document should not be read until copies have been furnished to defense counsel. The witness may be recalled at some later date in order to consider the document.

S. RUDY: Well, your Honor, may I at this time submit the copy to defense counsel for perusal? I will continue my examination. Later on in the afternoon I will revert back to this particular document.

THE PRESIDENT: I understand you have a piece of the document?

S. RUDY: Yes. I say, as far as possible for me to let defense counsel peruse this copy that I have, a single copy. I will proceed to another subject if my examination and before I complete my examination I can return.

THE PRESIDENT: Yes, that will be permissible.

The document shall be marked as an identification.

S. RUDY: The document is document NO-1358. It will be marked as Prosecution Exhibit 464 for identification.

THE PRESIDENT: Counsel will, if you agree, at the same time copies of this document are delivered to the defense counsel, copies will also be delivered to the Tribunal.

S. RUDY: Yes, your Honor, I intend to have it translated and have copies made.

S. R. RUDY:

Q. Dr. Frank, if I understand you correctly, during a direct examination you stated regarding chemical prisoners being experimented upon, that such would be permissible if the risks were at a minimum. Would you say I assume that you are fully in accord with experimentation on human beings who have been sentenced to death. Is that your feeling?

A. Yes. These weren't my ideal creations at that time but those

and if possible he which I make retrospectively.

Q. Well, at that particular time did you think it permissible to experiment on human beings who had been condemned to death?

A. It wasn't up to me to decide on that.

Q. Now, these particular individuals that were supposedly condemned to death but subjected to experiments, were they volunteers?

A. I cannot say that. I cannot say whether the people concerned had the opportunity to decide themselves or whether they were assigned in every case for some purpose.

Q. Well, now you can recall the document which was introduced here by Prosecution wherein Himmler stated, in substance, that a man may be pardoned after being subjected to severe experimentation, and he used the following language. This is Document 1971B 13 which is on page 64 of Document P-2, and it is Prosecution Exhibit 51. This document was signed by you as the Chief of Security Police in the SD and also to SS-Gruppenführer Glücks. Paragraph 3 of the document stated: "Considering the long continued action of the heart the experiment shall be specifically limited in such a manner as to determine whether these men could be recalled to life. Should such an experiment succeed, then, of course, the persons concerned to death, shall be pardoned and reconstructed camp for life." Now, that is what Himmler meant when he said that persons experimented upon could be pardoned. In that case, did he mean, they will be pardoned if he survives, if you can recall Himmler's words? I don't know you, then he may be pardoned. Is that what he meant?

A. He didn't speak to me at all, so I can say nothing further than what this document says.

Q. Well, now, then it is stated that he is of opinion that it is permissible to experiment on persons condemned to death. Now about these files and questions to be made and it follows - certain you sent instructions to Himmler stating that this person or persons is not eligible to be used in experiments?

Q. I transmitted this directive, according to my orders, to Munich agencies. That is not my own decision.

Q. You transmitted this to the Munich agencies over your signature didn't you?

A. Yes. But that is a directive by Himmler.

Q. I do know I'm alive throughout these documents whenever you were authorized to do something by Himmler you always started off your letters, cables, or telegrams, or whatever it may be, with language similar to the following: "By order of Reichsfuehrer-SS" or "The Reichsfuehrer-SS requests this" or "the Reichsfuehrer-SS requests that". Here in this cable you didn't refer to any request or order of the Reichsfuehrer-SS. You state in this document, which is Document 1971238, which is Prosecution Exhibit 53, page 6 of Document Book 2 - "Teletype to SS-Untersturmfuehrer Schatzler - Munich. Please inform SS-Untersturmfuehrer Dr. Roeder with regard to his teletype inquiry on instruction given some time ago by the Reichsfuehrer-SS concerning necessity of test persons does not apply to Jews or Russians." Now, you were running all of these secret instructions to the Reichsfuehrer issued several months earlier. Did you consult with the Reichsfuehrer at this time before sending this cablegram?

A. Why I again say the word in the teletype?

Q. Do you have Document 3 of N. 3, the German copy? Pardon me, N. 2.

A. Yes. It is Document 3 of N. 2, Fr. Hardy.

Q. What page is it?

A. Page 60 of the English. Document 1971238.

Q. I cannot find it in this document.

A. Well, we will go on to the German that question, later.

Q. But I can answer the question. We are not concerned with directives that were given earlier. This teletype was submitted to Himmler by me. I am sure that I didn't refer to any directive which was given earlier in that document.

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Q. Well, then what was Hitler's reasoning behind his order that this consistency didn't apply to Poles and Russians. Didn't Hitler consider that Poles and Russians were human beings?

A. I can't judge that. I can't judge what he believed or what he wanted to express. As in all cases I only write it down - what his decisions were. He never saw any reason for justification about whatever he ordered.

Q Now, did Himmler ever cloak you with the authority to issue orders or directives in his absence?

A No, I never had that authority. During my entire time of duty, I never made any decision on my own initiative and I never issued any directives. Even in the cases which concerned letters dealing with welfare questions or similar contents, I only acted after a decision was made by Himmler and only then sent letters to the various agencies. Of course, that does not include preparatory clarification of doubtful questions which would only enable a decision on the part of Himmler.

Q Now, how many letters and reports per month did you receive in Himmler's office? You state that you sent out about thirty-five hundred letters a month. How many did you receive, approximately? Round figures, doctor.

A That is very hard to say. I think the incoming mail was about 50% more extensive than the outgoing mail. That is, if I take an average of thirty-five hundred as outgoing mail, one has to take into account about five thousand incoming letters.

Q Well, now, I have noticed throughout all the documents we have here with your name therein, and documents that were sent to the Reichsfuehrer's office and reports that these reports were directed in a large majority not to the Reichsfuehrer himself but to Chief of the Personal Staff, Rudolf Brandt. Now, a great many of these incoming letters were addressed to you, were they not, in your position?

A Well, in the translation I hear Chief of Personal Staff. I was never Chief of Personal Staff. It was known that I was sitting in Himmler's anteroom and I would do nothing about people writing to me. When, however, they did write to me they went Himmler. They did not mean me. That was generally known.

Q I see, and your name became synonymous with that of Himmler's? Is that right?

A That is not what I want to express. When I answered "by order of Himmler" the person concerned did perhaps not turn to Himmler personally, but would turn to me without knowing (a) what position I held, or (b) what caused Himmler to ask me to sign the letter.

Q Well now, you received approximately six thousand letters per month. How did you determine what letters Himmler should see? Did you give him the whole six thousand letters each month?

A I don't understand your question.

Q Well now, approximately six thousand letters per month came into your office. Anything that was addressed to you or came to your office was for Himmler, not for Rudolf Brandt. However, Rudolf Brandt received them and Rudolf Brandt then forwarded them to Himmler. Do you tell me now that you forwarded to Himmler each and every letter that was received in your office or did you determine that Himmler didn't want to see some of them, was disinterested in the contents of some of them, and decide to act on them yourself or to send them to a subordinate to act on, or did Himmler, in each instance, did he receive the letter whatever it may have been and read it himself?

A No, he didn't read them all himself.

Q I don't imagine he could, Doctor, could he? He was a very busy man, wasn't he?

A He was a very busy man, but he reserved, in every case, the decision for himself and it was my task to submit these letters to him. Either I gave them to him among the mail that he had to read or report them to him verbally.

Q Well then, how did you determine which letters to give to Himmler?

A Well I really didn't make any distinction. I submitted every case to Himmler. I only examined before him to see whether any doubtful questions had to be cleared up in order to enable a decision by Himmler. But afterwards, finally, the letter was always submitted to Himmler.

Q Well then, you had to read the letters yourself to determine that and to advise Himmler if other letters had been received on the same subject, isn't that?

A Yes, for that purpose I had an official who worked with me and who took part of the burden of this work. I couldn't possibly do that alone.

Q That's right and Himmler couldn't do it alone either, could he?

A No.

Q Then, as a matter of fact, actually Himmler didn't know any more than you knew about these experiments?

A That is something entirely different. Himmler personally informed himself about the experiments. I didn't inform myself about them. I explained yesterday that any such reports which one could recognize immediately as being medical reports or after reading the first paragraph or after looking at the address, such reports were always included among the mail which he had to read. I was late for everything I didn't have to read that.

Q Well now, you stated also in direct examination that approximately thirty-five hundred letters were written each month in your office, and now I state that about six thousand were received. I'll assume these are round figures. And you were, or less accurately explained to the Tribunal in figures that out of three thousand there were only some one hundred and ten documents introduced here by the prosecution pertaining to medical experiments - of which some thirty at most by Himmler, some sixty signed by Brandt, and you intended to create the impression that these were minor matters compared to the over-all picture in your office, and as these letters did not contain any criminal activities on account of the small quantity of these letters that you may have read them but you passed over them and didn't realize the criminal nature because you were so busy. Now, is that the true picture?

A Approximately it is correct.

Q Well now, how about all these other criminal activities other than medical experiments? Say that these medical experiments were minor and that everything else was nice and good and clean-cut work that Himmler's office handled in like getting fruit juices for pregnant mothers, getting special dispensations for this SS man and that SS man, taking care of families? That about such things as the "Flicker action"? Do you recall the propaganda put out by Goebbels wherein he published literature and made speeches that Americans and the British were "terror fliers" and then, in the course, an order was issued whereby the police were instructed not to hinder or not to stop the Germans from joining the fliers or stop the Germans from abducting the fliers and eventually lynching them? Now, were you familiar with that activity that went through the office of Himmler?

A That is a matter which belonged to the jurisdiction of the police. I know that a document is available. Something that I am sure you are going to submit to me.

A I certainly am. Go right ahead.

A A document which I signed, although I practically had nothing to do with it. And here again is another case where my name is to be found.

Q Well then, Doctor, you admit that you passed on the "Flier order"? Is that right?

A Himmler principally only signed one copy or, at the most, two copies. Whenever copies had to be distributed among his SS, and police leaders, these copies were either signed by the police, adjutant, chief adjutant, or me, and then transmitted. That is, they were signed and then they went on in normal channels in Berlin. The document which you are going to submit to me falls within the competency of the police. It was dictated by Himmler, and the accompanying letter also originates from Himmler on the strength of which his order was transmitted. The secretary, probably by order of Himmler prepared the letter for signature, and I then signed it.

Q Have you seen this document since your arrival here in Nuremberg?

A Yes, I have seen it in Nuremberg. Last year.

Q Last year?

A Yes, last year.

Q You remember it quite well?

A Yes, I don't know who asked me about it. At any rate, it was shown to me and I was asked how this order originated.

Q Well then, you do admit that one Rudolf Bruns passed on the "Flier order", don't you?

A Well, there was nothing else I could do.

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Q. Well, that indicates that the office in which you worked was not only engaged in medical experimentation correspondence; they had other things that were equally as shady. Can you tell the Tribunal about some of the correspondence that you handled concerning the kidnapping of Czechoslovakian children?

A. The conclusion which you are drawing that I concerned myself with this is erroneous. In the case of this Flyer Order all copies would have had to be destroyed in order to get into the signature of the Police Adjutant. I think that would have been the correct procedure and I wish that that would have been done. But for reasons of space, and I do not know what the procedure was, my Minister had to sign this letter when the courier arrived, but I think that there probably was no time to do this procedure then. However, this signature does not in any case follow the conclusion that this matter had anything to do with my task.

Q. Well, of course, you realize that this Flyer Order was criminal in nature, don't you? It was a violation of laws of war, wasn't it?

A. I certainly did not carry out its orders. I just signed my name on it. Probably I did not even then know what it was in it.

Q. Well, you passed it on to the Higher SS and Police Leaders, with two other copies, one to the Higher SS and Police Leaders wherein you stated: "In accordance with the order of the Reichsführer-SS with the request that the members of the constituency and of the security police be informed and that they pass it on verbally to the administrative offices. Furthermore, the Reichsführer-SS requests the administrative offices to be informed verbally of this instruction." And finally, the signature Rudolf Heide. And this letter was addressed to the SS Divisional Chiefs. Now you were only one of the copies of this Flyer Order, didn't you?

A. There was a clear dictation by Himmler and all I did was put my signature on it. I did not dictate to a letter on my own initiative.

Q. Well, it will go on, Doctor. Do you know about the organization of Czechoslovakian children?

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... At the moment I remember nothing about it.

Q. All I will submit to you Document No. NO-435, which I will mark for identification, Your Honor, as Prosecution Exhibit 455. Now this letter is dated 13 June 1944, in Prague, from the German Minister of State for Bohemia and Moravia, addressed to SS-Standartenführer Dr. Brandt, Personal Staff, Reichsführer-SS, Field Command Post.

"Dear Colonel Brandt:

"Concerning the matter 'collection of abandoned Czechs' I wish to reply to your letter directed to SS-Obergruppenführer Frank, dated 6.2. of this year - (File No. No. 26/2/44 g. s. r. / 5, that the conversation between SS-Obergruppenführer Frank and SS-Standartenführer Sellmann took place on July 2 of last year in Prague. SS-Standartenführer Sellmann stated during this conversation that racially valuable children up to six years would be considered eligible by the 'Lebensborn'. In individual cases even children up to 12 years could be adopted, but experience has shown, however, that difficulties would arise in such cases, when adopting the child into a German family.

"The commander of the Security Police in the SD has instructed the Superior State Police Offices, Prague and Brno, to bring about registration of Czech children, whose parents were deported under martial law or had died in concentration camp.

"It was intended to have children up to six years and suitable for assimilation brought into German families through the 'Lebensborn'. The other children, who are no longer suitable to be brought into a German family, are to be housed collectively somewhere outside the Protectorate, in order to carry out a collective re-education."

There is no necessity of going any further. Now this letter was of interest to your office in addition to these minor criminal matters pertaining to racial extermination, weren't they?

... In no way at all.

Q. Then why is this fellow writing to you?

A. The document is produced by a letter of similar to Sellmann and

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Sollmann, on the 21st of June 1943, wrote to Himmler. Sollmann is here merely this report to Himmler. He sent it to me for me to know if this report would in any way get to Himmler. That is the reason why my office had nothing else to do but receive it. He then can then submit it to Himmler and then again receive the order if Himmler will transmit it. This is one of the cases that do not belong to it specifically.

Q. The letter is addressed to you, is it not?

A. Yes, but it was meant for Himmler.

Q. Now, Doctor, if you know when this

A. In addition, as I see now, this letter concerns the recommendation of children who have lost their parents because of their parents having been executed by criminal law. That really is not an inhuman activity if these children are being cared for.

Q. You knew all about the activity, however, before reading this document, didn't you?

A. I didn't know anything about it.

Q. Doctor, right, what day, when did you receive this letter?

A. I have no recollection of it.

Q. You never heard of the German Action, wherein they moved the ghetto of Warsaw and they removed some 50,000 people therefrom; wherein 10,000 or a little more killed -- you never heard of this in your capacity on the person of Himmler?

A. I didn't remember it.

Q. There was some sort of the correspondence that you just merely looked at it is it not, is that it?

A. Considering the number of correspondence, I could not possibly remember the details.

Q. Doctor, you mentioned to me a time that you went to remove the ghetto of Warsaw some 50,000 people, which is a considerable sub-human, to a concentration camp. It seems to be a pretty important thing to a possible lawyer. Is it not knowing about it?

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A. All, I can't remember it

MR. HARDY: I have another document, Your Honor, which I want to put on the witness in the same manner as the first one. However, I have only the original copy, which I will let the witness read aloud while I am going into the other subject in regard to the first document.

Q. Now, Doctor, going back to the knowledge of the witness, being, you say, that you know that the witness also knew something about the last gas experiments and knew nothing about the work of Hirt, and when he wrote the letter regarding the transfer of Grimes, that he had no knowledge of any of the other activities connected thereto. Now I ask you to read slowly this letter to the Tribunal so that the interpreter may follow you.

A. "Dear General Goring: Please instruct me quickly as possible with SS-Gruppenführer Major General Dr. Goring? SS-Gruppenführer Dr. Goring told me on the 12th of May, that the experiments were carried out, but that they were being delayed. This complex of questions will interest SS-Gruppenführer Professor Hirt. In addition, SS-Gruppenführer Dr. Goring will shortly have something to tell you about it verbally."

Q. How will you read that last document again?

A. "In addition, SS-Gruppenführer Dr. Goring will shortly have something to tell you about it verbally."

MR. HARDY: This again, Your Honor, is to be offered as NO-1363, Production Exhibit No. 454, and when I have acquired the necessary copies I will return them and orally introduce it for identification.

Q. All, now, in view of that letter that you signed, on the mention of the witness, will you read it, specifically, in verbally a second time, will you think the witness now, in answer to my questions if cross-examined, is going to tell the truth or not?

A. This question cannot be read.

Q. Now, in regard to the Warsaw action, I have only one document that I wish to have you identify in order to refresh your recollection. I would like to have you read this document, which you forwarded to Obergruppenführer Krueger; just that one page, doctor. I would like to have you read that out loud, Doctor.

A. "I order the institution of a concentration camp in the Ghetto of Warsaw, all Jews living in Warsaw will be transmitted to the concentration camp. It is prohibited for Jews to work in private concerns. The private concerns existing up to that moment existing in the Ghetto of Warsaw will be transferred into the concentration camp (Reich enterprise)...."

Q. From me, just a moment, Doctor. Will you bring the document to me a second so I can look it over; I think he is reading the wrong document. Now, Doctor, when you read that will you indicate the date and the head line; read the whole document forward?

A. "15 February, 1900... I cannot read the rest of the year.

Q. 1903.

A. "1903, To the Higher Leader of the SS and Police, East, SS Gruppenführer Krueger, Cracow. For reasons of security, I order that the Ghetto of Warsaw be raised after the concentration camp has been transferred, whereby all the valuable property of that Ghetto would have to be exhibited before raising the Ghetto to the ground. The raising to the ground of the Ghetto and the transfer of the concentration camp is necessary, for probably it will be otherwise never be possible to get Warsaw quiet. Criminals cannot be exterminated as long as the Ghetto still exists there. A plan is to be worked out for the raising of the Ghetto. In any case it has to be completed, but the housing space, which was available for 500,000 sub-human beings up to that period of time, and which would never be suitable for them to be exterminated from the face of the earth and Warsaw the city of millions, which was always a place for disintegration and riots, be made habitable."

Now is a letter by Heiden to Obergruppenführer Krueger, and I want

... a letter to the chief of the Security Police.

Q. Your signature likewise appears on that Document; doesn't it?

A. Yes, my signature unfortunately appears on any letters; there was not as I could do about that.

Q. You don't know anything about that Document or the Warsaw action either; is that correct?

A. No.

Q. Now everything that passed through your hands; you just signed it and let it go on through; you were not even interested in reading it; is that right?

A. I had no time to read them; I had too much work.

Q. Even all these criminal letters, and we could introduce thousands of others, but we don't have the time, Doctor, passed through your hands unnoticed?

A. Yes, unfortunately that is right.

Q. Well, now when were you appointed chief of the personal department on the Personal Staff?

A. Chief of the personal staff?

Q. Chief of the Personal Department in the Personal Staff?

A. I was never officially appointed to that position. Yesterday I tried to explain that last designation, namely "personal referent" was only an honorific title for technical reasons for the table of organization of the personnel staff which happened in the year 1937 or 1938.

Q. Well now, when Himmler was appointed as Minister of the Interior, you then assumed the job of Ministerialrat; didn't you, in the Ministry of the Interior?

A. I was Ober-Regierungsrat before that and six months later I was promoted to the rank of Ministerialrat.

Q Well, now, as Ministerial Director in the Ministry of the Interior, were you in charge of a department?

A I had only the so-called Ministerial Office under me. That was the place where matters from the Ministry of the Interior went to Hinder.

Q Now tell me, how many employees were there in the Ministry of the Interior in Germany, thousands, weren't there?

A In the Ministry of the Interior? I have no idea how many there were there.

Q Well, now, the Ministry of the Interior was the largest agency in the Reich, wasn't it?

A I don't know that.

Q How many Ministerial Directors did they have in this Ministry of the Interior, do you know?

A I don't know that either.

Q I am sure there weren't more than five or ten Ministerial Directors in the Ministry of the Interior?

A I can't tell you the number because I don't know it.

Q Well, you were Ministerial Director in an organization that had thousands and thousands of employees, as I understand it. It is a pretty big job for an official, isn't it?

A I was Ministerialrat. There are two ranks below Ministerial Director.

Q Well, even Ministerialrat, there weren't many of those, were there?

A There were quite a number of those.

Q You were Chief of the department, that is, weren't you?

A Yes, it may have had that outer appearance. In reality I had three experts working there and I got their expert opinions which I passed on to Hinder. I was only what is called "Primus Inter Pares," and the designation "Head of the Ministerial Office" creates a wrong impression. That is, there were just as few letterheads reading "Head of the Ministerial Office" as there were letterheads reading "Chief of the Personnel Office." All of that shows very clearly that the designation

in themselves are not at all in accordance with the importance of the position.

Q Well, now, after you became Ministerialrat, did you continue in your position as Personnel Department Chief in the SS?

A Yes. That ran parallel to my other duties. This just extended my work.

Q Now how did you happen to end up, as I understand it, in the front and serving in the front with the Waffen-SS like every other SS man had to do?

A I didn't quite understand the question.

Q How did you end up being sent to the front to fight with the Waffen-SS like every other SS man had to do? Did you like it or not?

A Firstly, Himmler kept me. Secondly, I participated in the campaign in Greece with the 1st Standarte with the rank of an Oberscharführer.

Q Why did Himmler order that you be retained in your position and not sent to the front to fight with the Waffen-SS?

A I can give you no explanation for that.

Q Was it because of the duties which you fulfilled and the large number of work you assumed for Himmler, that you were indispensable?

A He was used to my work since the year 1934. He knew that I was at his disposal for service until 1-1-45 and he knew that I never uttered any requests, and that is probably the reason why he kept me there because I did not ask for anything.

Q About the witness claim that you left and were away for one or two days, and Himmler kept you in SS for your return?

A I can't remember that. I don't know about it.

Q What did your superior officers have to do with your securing your job with Himmler?

A When in the year 1934 I took over the position of the Chief of Staff in Berlin, I took a number of dictations from Himmler. That happened in January, 1934 when Himmler spent two or three days in Berlin. Well, at that time Himmler's adjutant, a man in the rank of a Sturmscharführer, told me that Himmler had sent his clerk to a Führer school. He furthermore told that his successor didn't quite live up to expectations. Since Himmler

had been satisfied with my work, I had asked me whether I would be inclined to go to Himmler's office at Munich in order to work for him there. I agreed to that, and in this manner went to Himmler's office.

Q Now do you know that Obergruppenfuhrer Wolff told us that he was instrumental in getting you your job with the Leichenschaft? He further goes so far as to say that perhaps the only indispensable man in the SS is Rudolf Brandt. Do you disagree with that?

A In no way at all.

Q For what reason — or is that the feeling that Himmler had in keeping you and not allowing you to serve with the troops in the front?

A That I am sure is not the reason. That is excluded. I only did my duty. I was indispensable, and Himmler knew it.

Q Now, doctor, in relation to these affidavits that you have executed in behalf of the Prosecution prior to the investigation of this case, I wish to ask you a few questions. Whenever an affidavit was submitted to you for your signature, you had the opportunity to read it, didn't you?

A Yes, I already admitted that.

Q You did read it, didn't you?

A Yes, I read it.

Q You had the opportunity to make corrections, didn't you? and on several you did make corrections.

A Yes, I did.

Q The interrogator didn't suggest you in writing these, or that you over the head, did he?

A No, in no way at all.

Q No force was used on you?

A No.

Q You executed three affidavits under oath, didn't you?

A Yes.

MR. HART: No further questions, Your Honor.

THE HONORABLE: Are there any further questions of this witness on the part of any defense counsel?

The Tribunal will be in recess until nine-thirty o'clock tomorrow morning
(The Tribunal adjourned until 26 March 1947 at 0930 hrs)

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
26 March 1947, 0530, Justice Bole presiding.

THE COURT: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

THE COURT: Tribunal I is now in session. You owe the United States of
America and this honorable Tribunal,

There will be order in the courtroom.

THE PROSECUTOR: Mr. Bole, you ascertain that the defendants are all
present in court.

THE COURT: Mr. Bole, please your honor, all defendants are present in
the court.

THE PROSECUTOR: The Secretary-General will note for the record the
presence of all the defendants in court.

THE COURT: Proceed.

THE COURT: Proceed.

THE PROSECUTOR: Is there any further question to be propounded to the
witness, Dr. Brandt?

THE COURT: In place of Mr. Bole, please Mr. Bole who represents the Defense in this
trial.

THE PROSECUTOR: Professor Brandt asked me to put a few questions to the
witness which are of special importance to him.

THE PROSECUTOR: You did you not request me to ask him?

THE COURT: Dr. Bole.

CROSS EXAMINATION (Continued)

THE COURT:

THE COURT: Dr. Brandt, is it correct that, during the selection of the
witnesses in particular, on March 1, 1947, a number of persons
were selected whose names were well known about the experiments. This
includes the experiments. And it says that Dr. Brandt, Grawitz and Grawitz
were the ones who were selected in this question. In the case of



Professor Brandt I want to ask you the following question: Was Karl Brant, or to Karl Brandt to be called an advisor of Himmler, and if so, on what do you base this fact?

A. He could not be called an advisor of Himmler.

Q. Was he very frequently with Himmler?

A. I can remember only one time positively that I saw him at Himmler's headquarters.

Q. Was this in connection with human experiments or the selection of concentration camp inmates?

A. I do not know since I did not know the subject of the discussion.

Q. Now you say further that other persons were well informed about the experiments. The Professor Brandt included among those people whom you called the advisors of Himmler who were supposed to be well informed?

A. Yes.

Q. Now you said that the above mentioned people were members of the SS-Sturmabteilung corps, and the experiments were often discussed among the members of SS-Sturmabteilung. Did you ever see Professor Brandt in the presence of SS-Sturmabteilung?

A. No, I cannot remember.

Q. Therefore the statements I put to you, you have no factual evidence, nothing which could justify you in making such an assertion or to maintain it today?

A. No, I do not.

Q. NOW: I thank you.

BY THE COURT (Counsel for the Defendant Rosenberg):

A. Witness, in the interest of the truth I should like to ask you a few questions, in particular, to know your own attitude towards the testimony which you have given in writing as well as orally during this trial. Yesterday you testified here that your written testimony, your affidavits, were signed by you under oath without any compulsion, voluntarily. Is that true?

A. I was not forced to sign them but was placed in a position in which I had to sign them.

Q. And you swear that the affidavits, which you in part repudiate now, can be submitted in other trials in evidence?

Q. And you put this question to me; yes.

Q. Are you also aware that on the basis of those affidavits in other trials a picture may arise which does not correspond to the truth?

1. Yon.

Q. Now what is your position: do you want to repudiate all your former
B. identity?

... I am only to maintain the testimony which I have made known.

Q. When two charges could be raised against you of giving false testimony under oath; now if that charge and it to be raised against you, what would you say?

4. I did not do that consciously.

7. Thank you, I have no further questions.

THE COURT: Are there any further questions to the witness on any of
of defendant's counsel? There being none, the Prosecution may re-cross examine
the witness.

Q. A. DY: I have no further questions to ask the witness. Your Honor.

THE PRESIDENT: That being no further questions to be propounded to the witness, the witness is excused from the stand to resume his place in his seat.

Is there any further evidence to be offered on behalf of the defendant
Rudolf Brandt?

Q. WELLS: Mr. President, I should like to submit a few more affidavits, which are in my document book, and two further affidavits, which I obtained later, but there are only three brief affidavits which I should like to read, and I shall refer to the contents of the rest of the affidavits.

In my Document book on page 2, I shall read the affidavit of the witness
Otto von Bismarck. I identify this document as Adolf Hitler No. 3; Bismarck
as the SS Obergruppenführer and General in the Waffen SS. I shall read
again with paragraph 3:

"I never knew Rudolf Br not to be present when I reported to Himmler.

but I know that Himmler called for Rudolf Brandt, rang for him, and either dictated to him or gave his instructions."

This is on page 2 in my German Document Book. Shall I read this paragraph again? -- Paragraph 4:

As far as I could see, it was absolutely out of question that Brandt, in spite of his extraordinary industry, ever had a position of advisor to Himmler. For that he was far too small and insignificant. He had, according to observations I made over several years, the position of a chief-clerk. I know that he was overworked. Being a loyal and industrious worker he put up with being burdened with more and more work which it was impossible for him to accomplish.

"I could not see that he was a confidant of Himmler either, for Himmler had no confidants. Anyway, and if Brandt did not belong to the circle of persons who had closer contact with Himmler."

Now, shall I should like to read the last two paragraphs: "I know that police matters were not dealt with by Rudolf Brandt. Himmler limited strictly the competence of his subordinates."

"Rudolf Brandt's private life was a model of propriety; he always was helpful and decent. Therefore, with his soft nature I think that it is out of question that he could have taken part in any crimes against humanity."

Then there follows the signature and the certificate.

Now, I shall read the affidavit of Dr. Martin on page 11 of the German Document Book.

DR. MARTIN: May it please Your Honor each one of these affidavits, eighteen pages of them, are in substance the same. I think there should be a very expedient manner than reading each and every document and each and every paragraph thereof.

DR. MARTIN: Mr. President, I intend to read only two more documents, which are brief.

DR. MARTIN: The counsel for the defense has proceeded.

DR. MARTIN: Dr. Martin says in Paragraph 4.

DR. MARTIN: What number do you assign to this exhibit?

DR. HEENAN: Rudolf Brandt No. 4, Mr. President.

"I made the acquaintance of Rudolf Brandt on the occasion of my seeing reports of Reichsfuehrer SS Himmler. Rudolf Brandt was, as far as I could see, definitely in a subordinate position. If I had known his formal rank in the Personnel Department of Himmler, I would have taken him for a clerk.

"I will tell you this as an example:

"In the autumn of 1944 Rudolf Brandt was called into the office of the Special Train by Himmler to receive a call. I was then, together with Himmler. After having made my reports to him, Rudolf Brandt entered the office and took shorthand notes dictated to him by Himmler. Himmler did not even ask Rudolf Brandt to take a seat. He stood at the table taking notes. After having finished with his dictation, Himmler sent him out again. The subject of the report was a economic matter."

"The next document which I should like to read is the document on page 8 of the German Document book, Exhibit No. 5 from Affidavit Dr. Felix Kornein. This is the name under which the defendant, Professor Gothardt, has been named; it was the Finnish doctor of Himmler:

"I solemnly declare under oath that I have personally known Dr. Rudolf Brandt since 1939. He was always a properly disposed person, who was ready to help, and always strongly rejected any force or brutality. During my rescue work that I carried out in Germany during the war years of 1943-1945, at the request of the Swedish Government, at the Jewish World Congress in New York, with the result of having rescued and brought to Sweden, thousands of people from Nazi concentration camps, I often came in contact with Dr. Rudolf Brandt. I found in him an honest and enthusiastic co-worker, and always had his full support in even the most complicated cases. Only when I was in a difficult position with Himmler. Without his unselfish and much assistance, it would not have been possible to so successfully carry out this rescue work.

"Dr. Brandt was an idealist and knew no enmity and no hatred toward the Allies. On the contrary, and understanding with all nations on a peaceful basis his goal. He often told me that he considered this war as a necessary

and so, or so against humanity. He was shocked at the nepotism and
arrangement of most of the higher Nazi is done, and deeply indignant over the
corruption and corruption that was manifold in the Party, and said that
his friends had long since been driven from him. He (Dr. Brandt) had nothing
in common with this National Socialism. The result of this was that Himmler
isolated him with his work.

"In the fall of 1933 Dr. Brandt expressed the wish to me, after all these
appointments to find a way to retire from the Party and as a private
individual start a new existence for himself and his family.

"From my experiences with him I have always considered Dr. Brandt as an
exceptional man."

When the signature was certified to.

The next affidavit I shall surely identify. It is the affidavit on
page 3 of Dr. Brandt, Rudolf Brandt No. 6.

The affidavit of Dr. Fieser on page 4 of Rudolf Brandt No. 7.

The affidavit of Dr. Fieser on page 5 to 6; and Dr. Brandt No. 8.

The third affidavit on page 7 is to be given the number Rudolf Brandt No. 9.

The affidavit of Dr. Fieser on page 8 is to be given the number Rudolf Brandt No. 10.

The affidavit of the witness Harnack on page 9 is to be given the number
No. 11.

The affidavit of H. Harnack on page 12 is to be given the number
Rudolf Brandt No. 13.

THE PRESIDENT: Should that affidavit of Harnack not be No. 12?

DR. BRANDT: I am, your pardon: yes, number 12.

The Harnack affidavit on pages 13 to 14 will have the number
Rudolf Brandt No. 13.

The Gumbel affidavit on pages 15 to 17 will have the number Rudolf
Brandt No. 14.

The affidavits of Harnack and Harnack are not in the German
Court Book; I identify them as Harnack Rudolf Brandt No. 15 and for
Harnack.....

MR. PRESIDENT: The tribunal has not received copies of these affidavits; if they are available they should be before us.

DR. LUTHE: Mr. President, then it will be best if I submit those two documents later; or will it be sufficient if I assign the numbers now and then the documents in later.

MR. PRESIDENT: The counsel may assign the numbers to the affidavits now, then attach the numbers to the exhibits when they are submitted to the tribunal.

DR. LUTHE: Your Honor, I should like to know the prosecution may reserve the right to object to each of them?

MR. PRESIDENT: Certainly they will not be admitted until they are admitted in the presence of the prosecution. The assignment of the numbers to the exhibits is merely a matter of time, but it might save some trouble if the numbers are assigned now.

DR. LUTHE: The Tischerhauer affidavit will have the number Exhibit 14.15 and the Herzogsdorf affidavit will have the number Exhibit 14.16.

MR. PRESIDENT, I have concluded my case. I thank you.

THE PRESIDENT: The Tribunal will call the case against the defendant
Jozef Lipowicz.

THE PRESIDENT: (to the defendant Lipowicz.)

THE PRESIDENT: I am intended to conduct the case for the defendant
Lipowicz by first calling the witnesses to the stand. However, not a single
one of the witnesses who have been approved have arrived yet, so that the
procedure is not possible. Let me point out in this case that among
the witnesses there are two who are of the greatest importance for ascertaining
the facts. They are the only witnesses who have been found as far as
is known from their own knowledge what actually happened in Block 45 in
Buchenwald. One is the G.P. of the block, Dietrich —

THE PRESIDENT: Counsel in regard to this witness there was presented
to me a written statement, stating that the witness be summoned to Nuremberg,
and this application has always been signed and delivered to the Defense
Information Center in the office of the Chief of Counsel.

THE PRESIDENT: Your Honor, I have had in regard to Otto Dietrich, I am
informed he is to be indicted and go on trial at Nuremberg. Now soon I will
know, or whether or not it will be possible to have him brought here
immediately —

THE PRESIDENT: The Secretary General informed me this morning that the
witness would be available this week. The matter being urgent I signed the
order and handed it to the Secretary General personally this morning, so that
it could be accomplished at the earliest possible moment.

THE PRESIDENT: The second is the witness Jozef Lipowicz (?) who is one
of the people who were infected with typhus in Block 45, and survived the
explosion. He is in excellent health. I hope that the Secretary
General will succeed in bringing him here in time, and I should like to
reserve the right to call him to the stand after the case of Lipowicz is
concluded, if necessary.

THE PRESIDENT: Counsel say have that right. Counsel may inform the
Office of the Secretary General, if there is anything the Tribunal has to
say about this witness it will be done.

DE. JUDGE: Thank you. Then I will call the defendant Hrugowsky to the stand.

JUDGE: Defendant Hrugowsky will take the stand as a witness in his own defense.

(J. EDGAR HUGOWSKY, witness, took the stand and testified as follows):

JUDGE: You will hold up your right hand and be sworn.

I swear by God the Almighty and the Almighty that I will speak the pure truth and will add and withhold nothing.

(The witness repeated the oath.)

JUDGE: You may sit down.

EXHIBIT XX. EXHIBIT

BY DE. JUDGE:

Q. Witness, please describe to the witness briefly your youth and your course of study?

A. I was born on the 15th of August 1900 at Balthow. My father was a doctor, a general practitioner. I visited the gymnasium in my home town and completed this school in 1918 with the Maturitäts Examination. At the beginning of the first World War my father was called in as a reservist, and the first day of this war he went into the field as a doctor and was killed a few weeks after the beginning of the war. Through his death and the economic collapse of Germany after the war, we lost our fortune, so that it was not possible for me to study after I finished high school. I therefore decided to learn a trade, and I decided to become a banking official. At the end of the inflation, however, many officials were dismissed. I escaped this by giving up my position voluntarily, and I entered a bank as an apprentice. I finished my apprenticeship. During this time I tried to earn some money by giving private lessons, so that as soon as possible I would be able to carry out my plan of going to college. At the end of my apprenticeship, with my own life and with the aid of relatives, I was able to begin to study medicine.

Q. For what reason did you decide to study medicine?

A. I came from a family of doctors. Many friends of my father were doctors. I myself at a very early age had a great interest in biology, which these friends of the family directed toward medicine.

Q. Where did you study?

A. I studied in Halle on the Saale.

Q. And where were you trained as medical practitioner?

A. In 1931 I took the State examination. Then I became medical practitioner at the internal section of the City Hospital in Kdostrin on the Oder.

Q. Did you have any specialized training as a doctor?

A. Yes.

Q. And what was that?

A. First I was assistant for internal medicine at this hospital. I had intended to become an internist; but I had to try to get to a university from the hospital in a small town, because as a student I had made up my mind to become a high school teacher. At that time positions as assistants at universities were very rare and very difficult to obtain. I was, therefore, glad that on the 1st of January, 1933, I obtained the position of an extra-ordinary assistant at the hygiene institute of the University of Halle. Here I had my specialized training as a hygienist and a bacteriologist, and I gave up my original aim of becoming an internist in this form.

Q. When did you qualify as a lecturer?

A. In 1937 in Halle I qualified as a lecturer in hygiene and bacteriology. In 1939 I became a lecturer in this field at the Faculty in Berlin. In September, 1944, at the request of the medical faculty, I was appointed extra-ordinary professor.

Q. And what was your career after you finished your medical training?

A. Because of special circumstances, which I shall describe later, I worked outside of medicine for a year, and then I became hygienist in the young armed SS, which later became the Waffen-SS. From the beginning of 1937 until the collapse I held this position.

Q. What was your position at the outbreak of war?

A. At the outbreak of war I was hygienist, that is, expert for hygiene in the medical office of the SS in Berlin, and at the same time I had a small hygienic bacteriological testing station for the units of the SS, which I had built up.

Q. Were you at the front, and how long?

A. After the end of the Polish Campaign in 1939 the regiments of the Waffen-SS were incorporated into divisions, and medical units were set up for the first time. In the Division "SS-Verfügungstruppe" I was given the medical company. I was put in charge of it. I was in charge of this company for over a year and I was in the first French Campaign in 1940.

Q. What did you do at the front?

A. In the sectors of our division we set up dressing stations and took care of the wounded.

Q. Did you report for the front later?

A. At the end of 1940 I was transferred back to Berlin. Grawitz received me saying that now all dreams of the front for me were finished for the rest of the war, and that I would be used only specifically as a hygienist.

In the following years in spite of this I reported for front service four times, for the first time in 1941, after a very significant and excited discussion with Grawitz, which will be mentioned later, and in 1944 for the last time. But all these attempts were refused for it was said that service in combatting epidemics especially typhus was considered front service. This regulation was made at the time because the medical corps and the medical personnel had high losses from typhus at the beginning of the campaign in Russia.

Dr. JIS: IM: Dr. President, in this connection I shall submit Document /Rugowsky No. 42. It is on page 5 of the German and English document book. It is an ordinance of the Waffen-SS which says that employment of doctors and medical personnel in combatting epidemics resulting from dangerous diseases, diphtheria, cholera, typhus, yellow fever,

pellagra, plague, small pox and abdominal typhus, typhoid, as well as the care and treatment of these diseases is to be credited as combat service.

I offer this as Drugowsky Exhibit No. 1.

Q. What did you do in Berlin after you returned from the front?

A. I was expert for hygiene in the medical office of the Waffen-SS which later became an Amtgruppe in the Operational Main Office, (Fuehrungsamt), and in this office I was in charge of office 16, hygiene. I was also in charge of the hygiene institute of the Waffen-SS which developed from the testing station which I have mentioned before.

MR. HANDE: Pardon us, Your Honor, but would it be possible for Dr. Fleming to provide us with the Gazette from which this ordinance of the Waffen-SS was taken?

DR. FLEMING: Yes, that is possible. I can't do so at the moment, but I shall give it to the Prosecution.

DR. HANDE: Thank you.

BY DR. FLEMING:

Q. What did you do as chief of office 16 in the medical office of the Waffen-SS?

A. As expert for hygiene I was in charge of all questions of epidemic control and hygiene, especially water supply and sewage in the towns of the Waffen-SS. If the investigations showed that some order had to be issued, I had to report to my chief, Dr. Gensken, and he as chief of the medical office decided what was to be done. He issued the orders as far as they were medical orders, or in the military field he had the orders issued by the competent command post.

Q. As chief of office 16 you had no authority to issue orders then?

A. No. For this part of my activity as expert I had no authority to issue orders.

Q. How was this matter handled in the institutes under you?

A. As office chief I was in charge of, first of all, my own hygiene institute of the Waffen-SS in Berlin and a number of other institutes which developed in the course of time. I was a disciplinary superior for these institutes and the troop commander, military commander. I had, therefore, the power to issue orders to them directly, and I had the corresponding responsibility.

Q. How big was the responsibility?

A. I was responsible for orders issued to my institutes which I issued myself. As hygiene expert I was responsible for the accuracy of the information which I gave my chief, on the basis of which he issued his orders and instructions.

Q. How did you issue the orders to the institutes under you, orally or in writing?

A. After my return from the campaign in France, my institute developed rather rapidly. The sections were situated apart -- they were not together in a small space -- and from 1941 on outside institutes were added. From that time on there was the constant custom that all important orders should be issued only in writing.

Q Why did you do that?

A It has been my experience that an oral order, the execution of which cannot be supervised immediately, is very quickly forgotten, or is distorted in memory. In order to be able to check exactly what I had ordered I principally always issued important instructions only in writing also in my own Berlin Institute to the Section Chiefs.

Q Did you give assignments to your associates who were not in Berlin by telephone?

A No, I issued only written assignments, which might possibly have been issued orally beforehand, but were followed by written orders.

Q Now I come to the organization of the epidemic control in the Waffen SS. The epidemic control service in the Waffen SS was your field of work as chief of Office 15?

A Yes.

Q Since when was all of that epidemic control of the Waffen SS under your charge?

A From the end of 1940.

Q Were you responsible for epidemic control in the concentration camps as well?

A No, the concentration camps had their own medical service. The doctor in charge was Dr. Lilling. His competence in all medical questions and his independence he always guarded anxiously. In the field of epidemic control and hygiene, however, we were sometimes called upon by him to deal with definite specialized questions which were specified carefully in writing because we had the opportunity to make the necessary bacteriological and chemical tests. In general, aside from epidemic control, this dealt with the question of the water supply and the disposal of sewage. The results of our investigations were submitted as expert opinion in the form of suggestions. They were sent to the Chiefs of the Medical Service of the concentration camps and we had no influence on whether these suggestions were actually carried out or not. Very often they were not observed but very often they were.

Q How was epidemic control in the Waffen SS organized?

A Epidemic control was centrally organized in the Waffen SS in my hands, that is the central office was in Berlin. This was possible because the entire Waffen SS was administered centrally from Berlin. It was not decentralized into defense districts or Wehrkreise like the Army. Therefore, in the German Reich and in the occupied territories, which were designated as army rear areas, we set up specialized institutes which worked independently and which were responsible to the Berlin office. From 1942 on, we also had bacteriological field laboratories with the corps of the Waffen SS at the front.

Q Dr. Gensken was your military superior, as Chief of Office 16 and also as Chief of the Institute. What was your relationship of subordination that is, of you and Gensken, to Grawitz?

A Dr. Gensken was my immediate superior in my capacity as office chief as well as Chief of the Hygiene Institute, and his superior was Grawitz, but only in the technical field, in the medical field, not in the military field. Grawitz had the right to issue instructions in his capacity as Reich Physician of the SS and the highest doctor in the SS, and he frequently used this right to issue instructions. On the basis of this right he gave orders and instructions to members of other staffs.

Q In 1943 you became Chief Hygienist of the Waffen SS. Before that, in addition to your activities as Chief of Office 16, and as Chief of the Hygiene Institute, were you also Chief Hygienist of the Waffen SS, I mean Chief Hygienist of the SS?

A If Grawitz, on the basis of his right to issue instructions, called upon me to deal with certain problems, I had to use this title, Chief Hygienist, but that was a rare occurrence and it was merely a paper title, if I may call it that.

Q You have stated that it was a rare occurrence for you to be called upon by Grawitz for a certain job, then I may say that only happened on isolated occasions?

A Yes, there are always certain definite problems which Grawitz brought to my attention, for example, whether when on leave appeared at the Eastern front protective vaccination was necessary, or if the execution of

small pox vaccination which had been ordered for all members of the Wehrmacht was necessary also for the Waffen SS or not.

Q Did you always report to your Chief Gensken whenever Grawitz called upon you officially as Chief Hygienist?

A No, these additional tasks were not in Dr. Gensken's field of work. Grawitz has reserved two fields for himself, that was planning and research; and Dr. Gensken always tried to deal only with those matters which corresponded to his position in the Waffen SS; and on the other hand Grawitz always endeavored to assert his whole competency for planning and research. For this reason, Dr. Gensken generally refused to have any knowledge of such things which concerned Grawitz because they were none of his business. On the other hand Grawitz was very careful that no one should interfere with him.

Q Was there a great deal of work in general when Grawitz called upon you directly?

A No, I have already said that there were individual cases called for by special circumstances.

Q Did Grawitz inform you as to his work?

A No.

Q Before the 1st of September, 1943, before the reorganization of the Medical Service of the Waffen SS, did you participate in conferences in the staff of Grawitz? What was discussed there, how often did such conferences take place?

A Grawitz had a very uncertain position in respect to his Chief generally. He was not able to get along in terms with him. I know that for about two years Himmler did not use his services at all as Reichs Physician. Therefore, he tried at every possible opportunity to get in Himmler's good graces again. Therefore, he wanted to concentrate his medical service more strictly than it was at the time. He had many other main offices which were under him. I believe it was at the beginning of 1943 he had conferences in his staff with these chief doctors. These conferences usually took place once a week, and to see specialists from the staff of Dr. Gensken who were frequently called upon by him to deal with

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specialized tasks not to take part in these discussions. Very soon we
quit attending these conferences. We thought up excuses that we would
not have to go because these conferences were without any practical value
and only inspired us in copying at our own tables.

Q In this connection I submit to the Tribunal the affidavit of Mrs. Gertrude Krenner, the former secretary in the Medical Office of the Tuffen-SS. This is Document Nr. 45. It is on page 3 of the Document Book. I offer it as Exhibit Nr. 2. Mrs. Gertrude Krenner makes the following affidavit. First there is the customary introduction which I shall not read. Then she says:

"From 1939 to the surrender in 1945, I worked as a secretary to the office chief of the Medical Office of the Tuffen-SS, Dr. Carl Blumwieser."

"I know that since about 1942 weekly conferences between the office chiefs and the Police Physician SS, Dr. Grawitz, were held in the latter's office. These conferences were, during the first weeks, also regularly attended by my chief Dr. Blumwieser. Later on he only sent his assistant, SS-Sturmhaufener Dehfeld, as Dr. Blumwieser did not regard these discussions as serious and essential ones but rather as a loss of time."

"The members often joked in my presence about the uninteresting nature of these conferences and they also made other remarks on that subject. Finally I was so reluctant, with the consent of Dr. Blumwieser, stayed away from these conferences altogether."

"The talks were very informal and the members of the staff could not attend. Sometimes only personal affairs were discussed. Also, it appears that the private lives were discussed there."

And then she tells of an episode. I won't read that.

Q Effective the first of September 1941 the Medical Service of the Tuffen-SS was reorganized. What was your relationship of subordination after this reorganization?

A After the reorganization of the Medical Service of the SS I had two positions. First I was Chief of the Hygiene Institute of the Tuffen-SS as I had been before. And, secondly, I was expert for Hygiene on Grawitz's staff. That was an office in which as such I had the title of Chief Hygienist.

Q Which of the two was your main position?

A Most of my work, as before, was in my institute. Then the reorganization was ordered, Grawitz called on Dr. Blumwieser, who was also on his staff, and he told us that on Himmler's orders we were to leave the
5000

staff of the Operational Main Office Sigmund Hauptmann and be transferred to his staff. He ordered that Blumenrother was to become a full member of his staff, and he was given a room in his office. I, on the other hand, was to stay in my institute because I was to continue my scientific work, and, in addition, I was to carry out the business of Hygienist on his staff. I was only loosely attached to his staff - those were his words.

Q About 25 kilometres.

Q Did the office of the Chief Hygienist have its own personnel?

A No. The work was done by the personnel of the Hygiene Institute.

Q How often did you have to report to him?

A About once every week or once every two weeks for one-half hour to an hour.

Q Mr. President, at this point I intend to submit Document Markowsky No. 26 but it is in Document Book 1-1 and the English translation is not yet available. Therefore, I shall reserve the right to submit this document later.

THE PRESIDENT: Counsel may submit the document later - when the book is ready.

Q What were the duties of the Chief Hygienist?

A It was Grawitz's intention that all questions of hygiene and epidemic control, as well as other medical questions which he had to deal with as Reich Hygienist, should be handled centrally by his staff. But this intention was not carried out because the German organization was lacking. Grawitz was only the chief - he was inside there - he was not an official military officer. He could make suggestions; he could say you must be careful in connection with such and such a point. But if the order had any effects outside of medicine, he was not able to issue the order, but the order had to be issued by the only real military commander, as Chief Hygienist and the same capacity that I had on the staff of the Operational Main Office. I dealt with the questions that came up but I did not have any right to issue orders.

Q What individual problems did you deal with as Chief Hygienist?

GOLOS:

A. In the one and one-half years that the office existed really only two major problems were handled. First, the distribution of disinfectants to the medical offices of the SS. Because of the air war, which had increased in intensity, German industry was no longer able to supply the necessary drugs for epidemic control in sufficient quantities. The things in which there existed the greatest scarcity were rationed by the State and each organization, that is Wehrmacht or SS, Police, or Labor Service, etc., was given a certain allotment with which had to suffice. The distribution was done by my staff. The requisitions came in from the unit doctors to my staff and delivery was made by the Central Medical Depot of the Waffen-SS. The second major problem was effort to attain central direction of epidemic control in all branches of the SS and in the Police. The necessary prerequisites had to be obtained first. At first this necessary condition was the uniform measures in all branches of the SS and Police uniformly. Such an obligation to report to the authorities existed only according to State regulation within the Waffen-SS and the Police. It also existed theoretically for the concentration camps but these measures were kept secret and were not passed on so that I, as a hygienist, did not learn about them, and could not introduce any forest health planning for epidemic control. Therefore I issued a corresponding order, disseminated it, even others, with the chief doctor of the concentration camps, who carried it first; but, after introduction of my demands, he removed the duty of secrecy and he took the point of view that he was not able to give the figures of prisoners suffering from epidemics to an agency which did not belong to the concentration camp itself. Therefore, the whole measure in effect was ineffective and I was in no position to introduce.

THE PRESIDENT: The Tribunal will now be in recess.

...-1-Lesser (Inc. Brown)
...

THE PRESIDENT: Persons in the Courtroom will please find their seats.
The Tribunal is again in session.

AL. WIDLA: (Counsel for the Defendant Oberhauser): Mr. President, the Defendant Oberhauser asks the Tribunal, in view of her state of health, to be released this afternoon from appearing in court. Medical certificate will be submitted by the prison physician.

Q. FURTHER: All, correct, you are convinced that she should be
examined, and what

34. 2004: 2nd Year Exam, 7/15.

RE: JAMES: Upon filing the medical certificate the Defendant, however, will be excused from attendance before the Tribunal during this Defendant's absence. At the request of her counsel, it is appearing that her absence from the Tribunal this afternoon will not prejudice the case.

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DEPT. OF COMMERCE (Continued)

214 J. L. L. Wong and others

10. President, the Defendant, Rogers, made statements just preceding the report regarding the question of his individual tasks as hygienist. He then stated that the allocation of his disinfestation and decontamination duties was in charge of him in connection with the "Devil of July" Germ. It is on File 11 of both the German and the English document books. I would like to submit it as a courtesy Exhibit No. 3. It reads as follows, and I shall now leave out the introduction:

4th. of March, 1944, & on request by the Chief Engineer.

[illegible]

11:01:30: Just - counsel, until the ritual aspect of
the ceremony are beginning.

2. TIME: On Page 11, the third paragraph.

Q. YES, SIR. I HAVE THE LICE NOW. PROCEED.

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 26

On 12 Oct 1964, at on request by the Chief Physician, Professor Dr. [redacted], I was transferred from the field hospital of the Death-head

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Division of the Hygiene Institute of the Waffen-SS at Berlin-Schlesisches.
The first record for this transfer was my activity since 1942 as a
technician with a mobile unit, using a motorized steam-sterilization,
disinfection and delousing train designed by the Hygiene Institute in
collaboration with the firm, B. J. Seedecker, Munich. In the Hygiene In-
stitute I was employed as a clerk with the department for Sanitary Technique.
The department Sanitary Technique worked on the design and construction of
sterilization, disinfection and delousing machines and drinking water supply
installations, as well as delivery of same to combat units of the Wehrmacht.
The department was also in charge of administration, maintenance and over-
sight of the motorized units. Another job of the department was the
supply of disinfectants to the concentration camps. The distribution of
Zyklon-B was not carried out by us but by the firm Interatomfabrik Trier,
(after approval by the department order). The shipments began approximately
at the end of 1942 to the beginning of 1945. According to my knowledge,
the only extremely insufficient quantities of Zyklon-B available
disappeared in production caused by leaking. The distribution of Zyklon-B
was not individual or checked even by the Chief Hygienist. For
substances, other chemicals for delousing — or for instance sulphur
— (Bismutol), were supplied. In many instances the demands for
Zyklon-B could not be met at all.

As a representative of human beings in the concentration camps, I have
heard nothing of this during the time of my employment with the Hygiene
Institute. I learned of it only from the Police file, after my arrest. I
never heard the extermination of human beings in the concentration camps
being discussed in the Hygiene Institute, neither officially nor in private,
and consequently I could have no idea that Zyklon-B was being supplied for
the purpose of extermination of human beings. Disinfectants were always
ordered by, and supplied to, the post physicians of the concentration camps.
I know, disinfectants were not supplied to the command posts of the
concentration camps. Even the regarding the quantities of Zyklon-B required
for the purpose of Postner's work on decontamination, disinfection and delousing.

Antiseptics like 'Gin', 'Gosanol', 'Dettol', and 'Ipusetod', were available only in small quantities, or in some cases not at all. I person only knew of one, but of the antiseptics mentioned above, 'Ipusetod' was available in small quantities, and that it was to be used very economically. I was not aware of antiseptics being used for any other purpose than defense against epidemics, decontamination and disinfection.

Disinfection was carried out in disinfectant training school of the U.S.S.R. at Treblinka near Berlin.

Authorized sterilization and decontamination units with crews were also available to the concentration camps upon requisition. Decontamination equipment, like chemical chambers, hot-air chambers, and various implements, was still available in the concentration camps.

The actual disinfection was carried out by trained disinfectors, who were either requisitioned by, or permanently assigned to, the concentration camps. They always received their orders from the camp physicians in charge. I have not heard of prisoners being ordered to carry out disinfection by themselves. Disinfectors, working with highly poisonous gases, had to wear protective gear and the final examination of the disinfectors' work, and their official poison license.

Requisitions for antiseptics were generally made monthly, but delivery was irregular. The regular supply is ordered by the Chief Hygienist.

The distribution center for these was the Central Medical Depot of the U.S.S.R., Berlin-Lichtenberg.

(2) (3) "What George said"

and signature certified, in camp Treblinka.

The next two documents, Dr. President, Prugowicz 55 and Prugowicz 56, pages 14 and 16 of the document book, I simply admit, to be identified. I have added them in consideration of charges that were made against the defendant in previous interrogations but I do not consider it necessary now to add them to the record -- 55, 56 and 57, on pages 14 and 16. -- I am not adding Prugowicz 4 and 5.

Now from an affidavit which is in document book 1-2, on page 170, I

should like to read a brief passage into the record.

THE PRESIDENT: The Tribunal has not yet received Document Book 1-2.

MR. BIRNBAUM: I know that, but I simply want to read half a page into the record.

THE PRESIDENT: Very well, Counsel.

MR. BIRNBAUM: This is an affidavit of the Chief of the Medical Office of the W.F. or SS, Dr. Karl Blumenreuther. He says:

THE PRESIDENT: Will you assign that an exhibit number now? If you are reading it into the record it should have an exhibit number.

MR. BIRNBAUM: I had planned to give it a number later, when I read my affidavit into the record, but it is perhaps more practical if I give it a number now. It is Krugovsky No. 26.

THE PRESIDENT: It appears it would be better to avoid further confusion in the records later by giving this document an exhibit number now so that it may be identified if counsel desires to read it now and then come back to the same number, remembering the same number when it is stored and read in full.

DR. FLEETING: Very well. This is Krugowski Document Number 26. It is to be found in the German document book on Page 167; and I submit it as Krugowsky Exhibit Number 6. Number 8 in this affidavit reads: "The allotment of the disinfectant Zyklon B through Krugowsky's office took place in such a way that the local Standort doctors made their requests quarterly on regular forms. The delivery took place through the Camp Medical Office, rather the Central Medical warehouse, after a previous conference had established what the amount was to be, in view of the available supplies. This regulation existed, so far as I know, from the year 1943 on. Previously the requests had been made through Lohling's office."

Number 10 reads: "Regarding the delivery of Prussic acid for exterminating human beings in concentration camps, I know nothing. I am quite out of the question that Krugowsky was given prussic acid for that purpose."

BY DR. FLEETING:

Q. Witness, you just testified that you drew up a regulation for the concentration camps regarding the reporting of the outbreak of epidemics but that you were not successful in this. Did you then have no opportunity of taking steps on the basis of your position as highest hygienist or of influencing Grawitz? Grawitz was the medical superior of the doctors in the concentration camps.

A. To be sure Grawitz was the technical superior of the doctors in the concentration camps; but as such he could only give instructions in the medical sphere but not in matters of organization. In all statistical questions, the number of inmates or the number of sick inmates, did not belong in the medical but in the organizational field in which

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Grawitz had no influence whatsoever.

Q. What other tasks did you have as chief hygienist?

A. With the letterhead of chief hygienist all those letters were written which concerned the Institute which previously had been subordinate to Office 16. They concerned the procurement of materials, or transfers of personnel, or technical use of personnel, or professional instructions, or such matters. All of this belonged within the sphere of competence of the chief hygienist. However, that was only a relatively unimportant activity. The entire filing system of this office comprised, during this year and a half, two folders for ordinary letters and one small file for secret letters.

Q. In what way was your activity as chief hygienist different from your previous activity in Office 16 of the Fuehrung Main Office?

A. Activity in the Office 16 was more extensive, because the entire procurement for the Waffen-SS was the main job of this office; and Office 16 kept this job after the reorganization, whereas on the other hand the other tasks, that had been planned as the tasks of the chief hygienist, were not given to him.

Q. What was your activity in the Hygiene Institute? First of all what was the size of this Institute?

A. The Institute, starting out on a small scale, developed into a rather large institute, which at the end of the war contained twenty-five scientists in one way or another fields and two hundred additional personnel in total. The tasks, that it embraced also grew. The originally purely practical job of epidemic control was supplemented later by research tasks in varied fields. I set it as my goal to study to

part of the practical matters of epidemic control but to study and to search into the biology of man as a whole from the medical point of view.

From this there resulted of necessity a number of professional assignments which generally are not to be found in such a medical institute or hygiene institute. The individual research assignments resulted

from practical experience. The scope was as follows: the oldest department was that for bacteriology and virology. It, as a medical research office, examined incoming material for bacteria. This material came from the hospitals, field hospitals, and so forth. A second department was the Department for Medical Zoology, which was run by Dr. H. H. Henshaw. It was formed because of the necessity of combating the insects that can communicate contagious diseases; and these insects, as in the case of other animals, have to be subjected to more exact research. Consequently, this struck the physician as a special problem that had to be dealt with. To this department belonged also a farm of poisonous snakes which were to serve as research material into the specific characteristics of the poisons of European and Near Eastern poisonous snakes and to apply them therapeutically.

A third department was that for hygienic technique. An engineer was in charge; it concerned itself with the construction of portable or motorized disinfection units for the purpose of delousing the troops. These units were set up with the divisions, particularly on the Western Front, and in part also in concentration camps to combat the spread of lice. They were operated mostly with hot air or steam. As a result, this department was also in charge of the Department for Antiseptics.

A fourth department was the Chemical Department, which was run at the end by six trained chemists. They had all been specially trained for their special tasks in this department; and this department had two assignments.

Court I

First, it was to test the water for the various units to see if it was safe. But the much larger one was the second one. He wanted to develop a vaccine against stomach typhoid, and we had to ascertain just what its specific question of bacteriological vaccine should be, to immunize the human being, extensive knowledge of bacteriological chemistry, was a prerequisite. A great deal of work was to be done in this field.

Another department concerned itself with Geology, connected with finding water for the local units, --

Q. I believe you can be a little more specific?

A. There was another department for Entomology, which concerned itself with the control of insects, and, finally, there was a Statistical department which is particularly concerned itself with research assignments, and with the problem of predicting epidemics, and to find a practical solution to this problem. Finally, came the already known department for typhus and mite research, which was concerned with the production of a new typhus vaccine for the use of the SS. There was a large library and large amount of material and equipment required to complete the Institute.

DR. BROWN: I should like to correct a mistake in the translation in a previous question, the witness said, the title or activity of the Chief Hygienist was only a few file volumes, and he spoke of the folders for the group folders. There are not group folders or folders but as two "employees". In other words, there is concerned, it is not the person in charge of the file, but also of the actual file, there were two files.

DR. FLEMING:

Q. Now, did you supervise the various departments, or did you take part in it yourself?

A. The work was assigned by me to the department chiefs, and I did very much for the work. Once a week, I made many visits to the various departments of the Institute. From time to time conferred with the competent departmental chiefs, and could always tell how much work was done, and how much material that was used, and this could be

Chart I

even make a cut for gold stones in the, but I will leave this operation to
the, we practice this."

In this paragraph there are two sentences which are not in the text
itself, but which were made by the first editor. The first sentence of the
text begins. These are the words after "to perform a cut which destroys
purity", and at the end of the paragraph "we practice this", the second sentence
I continue on with my reading of the text:

"Every day I enter I shall enter only for the good of the patients, keeping
myself away from all interests and ill-will, and especially from acts of lust
in the matter of women or men, whether free or slaves. All that my duty to
my Master. In the exercise of my profession, or when I am engaged in
in the matter of women or men, whether free or slaves, I will keep
secret my reporting this as a duty. If I carry out and keep this with
faithfully, my I shall be happy to be respected by all men
for all times; but if I reveal this, I will lose it, my life covered by
my loss."

As an indication that this oath of Hippocrates is no oath that has been delivered to us from antiquity with a firmly established text, I have on page 21 of the document book, under the same exhibit number, reproduced the form of the oath used in France, which differs considerably from the text just read. It reads:

"This is the Hippocratic Oath, as taken at the Faculty of Medicine in Paris: In presence of the masters of our school and of my beloved co-disciples and before the image of Hippocrates, I promise and swear herewith that I will be faithful to the rules of honor and probity in the practice of medicine. I will assist the poor without fee, and never will I charge for my work a higher fee than it deserves. As a guest in other people's houses, I will not let my eyes perceive what is going on there; my tongue will not reveal the secrets which are confided to me, and I will do nothing in my profession which corrupts the morals and favors crime. Out of respect and gratitude toward my masters, I will pass on to their children all that I have learned from the fathers. My men esteem me if I keep my promise, and my I be covered with shame and despised by my colleagues if I fail."

That is the French version.

THE JURY: Your Honor, would it be possible for me to see the original exhibit?

DR. FLEMING: The German original is in a library book which I could not give to the Tribunal for good. I ask that we follow the same procedure as was followed in the case of Dr. Sator: namely, that a certified true copy, certified by me, be accepted in lieu of the original.

THE PRESIDENT: Counsel will exhibit the book to the Prosecution. After the Prosecution has examined it, a certified copy may be substituted.

B. SATOR: Thank you, Your Honor. I have examined it, Your Honor, and I am satisfied.

BY DR. FLEMING:

Q. Witness, did you take this oath of Hippocrates?

A. Yes.

Q. From the year in which the oath is mentioned here, one could reach

the conclusion that it is the professional oath of the physician. Is that the case?

1. The oath of Hippocrates has for many centuries not been considered an oath in the legal sense of the term, like the oath that an official takes or the oath that a witness takes. Throughout my entire period of study and in my period of training, this oath was never submitted to me, and only a very few among my large circle of doctor friends became acquainted with this oath at the time when they were receiving their doctorates. Even in the case of the universities where this was customary, that was not an oath but simply the basis for a certain form of an obligation in which the physician would be instructed in his duties as a doctor.

2. You have concerned yourself with the question of medical ethics and have published a book before the beginning of the war on this subject. I submitted an excerpt from this book to the Court as Gragowsky Document 36. It is on page 22 of the document book. I should like to offer it as Gragowsky Exhibit Number 9. The defendant has only one copy of this book itself. Consequently, I ask permission to show the book to the Prosecution and then to submit a certified copy in lieu of the original. From this document number 36 I should like to read only a few passages. First, page 23:

"The task of the physician has always been the same, to heal the sick and to return them to life, with efficiency restored. One would think that this defined the task clearly and for all time. But if we look into the history of medical science, we see that the interpretation of this task has found anything but universal agreement. It is true that there has always been unanimity about the final aim, but for this reason the views as to its achievement differed.

"Each generation has its own attitude towards the problems of life which never recur with the same complete exactitude. From century to century, from decade to decade, even from day to day knowledge advances, and there is always something regarded as a foregone conclusion by the younger generation which was still a problem for the older. There is continuous crumbling in the rock of the unknown, and every new germ of knowledge appears to

the younger generation as a star snatched from the infinite firmament of eternal divinity. Youth would not be youth if it did not leap with a smile over the restricting doubts of its elders; it would be without strength if it did not experience the unique, newly born feeling which is innate in every rising generation and which alone gives it creative power. Each generation was once young and ready to storm the heavens; the, as the decades passed, it became more slow and more deliberate, and the great problems of life always repeated themselves, although never exactly, always a little more advanced in accordance with the progress of knowledge and method. But the questions themselves—"

THE PRESIDENT: Counsel, it is now about time for the noon recess. Can you give me the date? I notice that this was written by Dr. Ruffland and edited with an introduction by the defendant Jarowsky. Can you tell me the date of this publication?

THE WITNESS: 1939.

THE PRESIDENT: How much of this document do you propose to read into the record, Counsel?

DR. JESSE HIGG: I wished to read the first paragraph on the next page, on the last, and of page 20 the first four lines, from the next page the first three lines, and then on page seven of the document, I intended to read all of that, and a small piece from page 5.

THE PRESIDENT: It seems to me that reading so extensively into the record, if the Tribunal has this before it in this form, is rather unnecessary and takes up time for no particularly good purpose. Counsel may read a few of the extracts but should choose the more important ones and not read as many as were contemplated according to his recent statement.

The Tribunal is now recessed until 1:30.

(A recess was taken until 1:30 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1300 hours, 26 March 1947.)

THE MARSHAL: The Tribunal is again in session.

MR. HADY: May it please the Tribunal, during the presentation --

THE PRESIDENT: Just a minute, Mr. Percy. The Secretary General will file for the record a medical certificate in regard to the defendant Oberhauser's condition. Proceed.

MR. HADY: During the presentation of the defense thus far to date of the other defendants it has been more or less the practice to put in the documentary evidence during the course of the examination of the defendant, but it has been true that most of the defense counsel have limited that to documents which are pertinent for the purpose of the examination. I should request that Dr. Fleming refrain from trying to introduce all of his documentary evidence during the course of his examination. The purpose of the examination is to ask pointed questions, facts, to the defendant and to have his documentary evidence to be introduced separately, inasmuch as in some instances it is absolutely unconnected with the testimony of the defendant and I think it would be more expeditious than the manner in which he is beginning to follow now taking document after document in his document book. I request the Tribunal to rule on the suggestion of the prosecution.

DR. FLEMING: Mr. President, I am only going to submit documents as they refer to the count of the prosecution and as I am asking defendant to testify regarding that document. I would consider it in that case to be more expedient to submit this document during the examination rather than submitting document after document after the examination, which would be completely out of its context.

THE PRESIDENT: Well, documents which tend to elucidate the testimony of the witness may be offered during his examination but only if they are particularly pertinent to the matters on which the witness is being interrogated. Documents of a general nature should be reserved until after the testimony of the witness is completed, but when counsel

deems it of importance to present certain documents during the examination he may do so.

JOSEPH L. ELGOMSKY - Resumed

DIRECT EXAMINATION (Continued)

BY MR. FLEMING:

Q. I am not going to read any more from the medical report than what I have already read. I will now ask you: Do you maintain this high concept of your profession as before, or did you have strong reason in the meantime to revise it?

A. As before, it is my opinion that only that person has a right to call himself a physician who also feels the religious side of his profession and who is taken up with his physical task.

Q. How was your book accepted in the circles of your superiors, a book which had nothing at all to do with the SS spirit?

A. I had to submit that book to Grewitz before its publication for his approval. Grewitz then sent it to Himmler and Himmler rejected the thoughts contained in that book and prohibited this book being distributed to SS physicians.

Q. After the court has learned your concept of ethical questions, after having read a few pages of that book, I want to speak to you about medical experiments on human beings. Do you consider it permissible that a physician under certain circumstances violates the request put to a physician to cure patients and not to cause damage?

A. This question is very hard to answer briefly since it concerns the wide field of philosophy and the study of ethics. These views, as are all other views of human thought, are dependent on timely currents. It is my opinion that when answering that question one has to differentiate between two different cases.

The first case is the following: a patient comes to a physician and submits himself trustingly to his treatment. This is a case which is not mentioned in any count of the indictment and I am only touching upon it in order to clarify the second case. I think that it is absolutely

not permissible that a physician would do any medical experiments with a patient, who confidentially approached him for the purpose of being cured, without the express approval of that patient. This holds true of every operation and of every other activity of the physician in relation to his patient. This relation of confidence of physician to patient is fully applicable to medical ethics in the classical sense, as before, and that will certainly also hold true of all times.

But all experiments which are here the subject of the indictment were not carried out on patients who put themselves into the hands of a physician with confidence but these were inmates of concentration camps. These men were entirely healthy and that in my opinion is the second case. They were not patients of the physician in the sense of medical ethics and in reference to the concept of the relationship between the physician and patient, and therefore what we understand by medical ethics can only conditionally be applied in this case.

Q. Wherein do you see the basic difference between experimentation by physicians on patients or inmates of a concentration camp?

A. The patient approaches the physician voluntarily, and the important thing is the relationship of confidence between him and his physician. It is entirely different in the case of the inmates that are being discussed here. To enter a concentration camp, in itself, could only be done by the approval of the concentration camp control administration at Oranienburg. I myself, for instance, was never in possession of a permanent pass and, therefore, couldn't enter a concentration camp whenever I felt like it. Only as far as I know the leading physician of concentration camps held such a permanent pass, and a close circle of his working staff. Whenever a visitor entered a concentration camp, he had to report to the commandant's office, and whenever there were people of higher rank, they had to report to the commandant himself. They were not allowed to move freely within any camp, but they had to be accompanied. These escorts only allowed them to see the places which were necessary for them to execute their orders. In that case apart from the actual camp physicians, no other physician even had the possibility to get into contact with the inmates in the concentration camps, and there we find a very essential difference between the voluntary confidential relationship of a patient to physician on the one hand, and the relationship of the physicians, who are indicated here, and the inmates on the other hand.

Q. You know the last name and the number of medical experiments were carried out on inmates by Dr. Mengele with his secret patients of the physician who was carrying out these experiments. In your opinion, were such experiments on patients of inmates synonymous with experiments on inmates of the concentration camps?

A. No. This physician would in every case have had contact with the head of the inmate system and himself was a physician, too, and would get everything necessary from him such as space and equipment. In the case of the concentration camp there was no such contact. First of all, contact between one physician and another. Whatever would have been necessary for the execution of experiments would have been available in the commandant's office which was, in a way of speaking, the only place where the inmates for

these experiments of an order by the Chief of the German Police had been issued, and, naturally, that Chief of Police is an organ of the State. Therefore I see a very clear distinction between the two types of experiments.

Q. What conclusions are to be derived regarding the permissibility of carrying out medical experiments on inmates from the fact that the State had to place these inmates at the disposal of the physician for the purpose of these experiments?

A. If the inmates are put at disposal for these experiments by the State, one can conclude clearly that there was at least an approval by the State for the planned experiment. In most cases the State was even the party that initiated these experiments and ordered them.

Q. In your opinion, did the State have the right to dispose of the health and lives of the inmates by placing them at the disposal of medical experiments, as a result of which permanent disturbances of their health or even death could occur?

A. In normal times the State certainly does not have that right. But the experiments which are here the subject of the indictment were carried on during the war. In Germany, just as in England, a total war effort applying to the entire people was ordered, that is to say, the State in Germany as well as in England reserved the disposal over its citizens in every case. Not only did the State provide such commitment for men, but also for non-soldiers, even women. The State also ordered the manner in which the citizens of the State would suffer loss of health or even death, such as in the Navy by drowning in water, or in the Air Force by crashing a plane, in the armament industry by poisoning. That also holds true for the women who were committed in that war effort, and that is true, therefore, for the entire German people. These circumstances of a total war are naturally quite unusual. Under these very unusual circumstances where the State exercises jurisdiction over its entire citizens, I don't think that inmates of concentration camps cannot be executed. Now when the State orders the execution of medical experiments because a no occasion regarding the combatting epidemics had to be settled as quickly as possible, I would imagine that the State has the right to select persons for that special purpose because in

that case the State is doing nothing else that it is not
doing with its soldiers and other population.

Q. Under what circumstances would you say that the speedy
settlement of any question is of highest public importance?

A. In order to remain within the scope of the indictment,
I think there is such a case when some foreign epidemic
is starting, which so far has not been within the reach of terri-
tory, and where a large number of people is to be reckon-
ed with, so that the earliest settlement becomes necessary.
It is important to find out whether a sort of drug or a cer-
tain vaccine can control this danger.

Q. When giving these prescriptions, do you think that a phy-
sician is entitled to carry out experiments on human beings
using new drugs or new vaccines, even if he knows that the
life of the experimental subject is being endangered by that
procedure?

A. I can't think that a physician is justified to do that
when he is concerned with his own initiative. I think, however,
that he is obliged to obey the order given by his State when
the highest responsible official of the State is ordering such
experiments for any specific purpose and defines expressly
the circle of persons to be used. It is the duty of the State
to keep the physicians from doing as far as possible. It is the
duty of the responsible official of a State organiza-
tion to make the necessary arrangements to find new ways for
dealing with such cases.

Q. Would it be correct to say that a physician has received
the order from the State to use military prisons in order to
study a question of highest public importance and infect
the military prisoners as a result of which they become ill, and
a certain number, 244 as far as I know, lost is only six, what
would the attitude of this physician be in a case of war emer-

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gency? In that case I would make the further assumption that
this physician is a soldier and was receiving this order from
his superior agency.

2. The physician has to judge for each case what his activity towards this order is to be. If he realized such a necessity and if he affirms it, then he will immediately obey that order. The responsibility for that order rests with the person who has issued the order. The physician himself bears the responsibility for the execution of that order. If he believes however, that there is no urgent necessity for this unusually unusual order, he would have to inform his superior of his convictions, and in case no where an agreement is reached, he only has one alternative, namely, to report that order to his superior. If in that case the necessity of that experiment is affirmed, that is, against his conviction, then he would have to obey that order, since as his superior insists upon the execution of that order. Understanding superior, however, would not insist that just because he should execute such an order which is very immoral objection to it. They would probably submit that is determined by the fully of their own opinion.

3. You think that it is justifiable that a physician should receive the order to carry out experiments on human beings, it will be treated differently than a chemist or a physicist who receives orders by the State, during the war, and possibly of which his life or the life of other citizens is in danger?

4. In times of war it frequently occurs that research workers, chemists, technicians, etc., have to carry out experiments which are very much against themselves, but are necessary for the development. For example, in the explosives industry, numerous and signs occur, as a result of which many are killed. If the chemist who is concerned is not directly involved in the development, he is not responsible for the disaster,

He is naturally not guilty. Whenever a fire guard officer has to move a bomb from the street which came down as a bomb, and if this bomb exploded, the fire guard naturally cannot be held to account, and I say any that in large cities prison inmates were used for that purpose by the State in many cases and as a result suffered injury or died. One can see numerous examples to the front in the case of officers, where the officer could not overlook whether the order he had received is absolutely necessary, and where he often has to execute a military order without having to be convinced of its necessity. This officer is certainly not guilty of having brought about the death of soldiers of his company, but it is the superior policy which bears the responsibility. But it was not in military life.

2. It would be the consequence if the physician refuses to carry out such experiments on human beings?

... In case of war every citizen is subordinate to the military law. Every citizen of this land who has military law on his conscience finds the paragraph referring to refusal to obey orders. Even so he will refuse, he then receives a court martial and nothing would have been done to prevent the intention of the State, and neither person would come into place who greatly would not with later expert knowledge in carrying the work through.

... to the extent that the significance for the reasons mentioned earlier to carry out the proposed, that kind of persons would be select for the country.

4. He cannot select any persons because he has none of his
 typical. These experimental subjects have to put in his dispo-
 sition by the State or some other source.

...and what kind of group would have this composition
in your opinion?

these series of experiments. The witness Koper testified to the same effect, and what is your opinion now in that respect, as regards the responsibility?

A. What I said before naturally only refers to criminals of German citizenship. It is not my opinion that a deviating political opinion represents a crime. Political inmates, therefore, cannot be considered as criminals, not even when they are communists. I am of the opinion, therefore, that if it is correct that political inmates had been included in that circle of criminal persons, the agency would have to be responsible for this which is responsible, for the furnishing of these inmates.

Q. Let us apply this question in the case of Buchenwald. Who, in your opinion, must be held responsible for the order of the experiments?

A. In every case it is the agency which issues the order. In all cases which I can over-look it is (1) Dr. Grawitz in his position as head of the SS, or his immediate superior, the Dr.

Q. He is responsible that the inmates, who were furnished for the purpose of the Buchenwald, were selected from that circle of persons according to Hitler's orders?

A. So far I hadn't known about that since I am not informed about internal working of the concentration camps. I myself had never belonged to any staff of a concentration camp, or any other staff of that nature, and I, therefore, didn't know anything about these matters; but on the basis of the documents which I have seen here now and it became apparent to me that in the case of Bucherwald the furnishing of the inmates was done by two agencies at different times. During the first period of time it was done by the local camp administration and, at a later date, after the year 1943, it was done centrally by the Reich Criminal Police Office, which is the State Agency which is exclusively competent for criminal prisoners.

Q. And what, in your opinion, is Dr. Ding's responsibility?

A. He is responsible for the proper execution of experiments with which he had been entrusted.

Q. I shall speak about your own responsibility a little later. I should not like to turn to the high altitude experiments. You know that you are indicted because of high altitude experiments, too. Did you know Dr. Rascher?

A. No.

Q. Did you know that high altitude experiments were carried out in the concentration camp of Dachau?

A. No.

Q. Did you hear a report about high altitude experiments in Dachau on the occasion of a meeting of Consulting Physicians?

A. No.

Q. Before your arrest did you on any occasion hear or were informed about high altitude experiments?

A. No.

Q. Did you know the defendants Ruff and Rosenberg?

A. No.

Q. Did your official activity have any connection with the questions which were to be clarified by the use of high altitude experiments?

A. No, not in the least.

Q. And, now I turn to the cold experiments. Did you hear about the cold experiments which were conducted by Dr. Rascher at Dachau?

Q According to the document submitted by the Prosecution, that is, the affidavit of Rosenberg, Prosecution Exhibit No. 40, the high altitude experiments started in the beginning of May 1942 and lasted until the end of May 1942. The cold experiments, according to the affidavit of Rudolf Brandt, Prosecution Exhibit No. 80 lasted from August 1942 until April 1943. Were you in Dachau during that time?

A I don't believe so. However, in the spring of 1943 I participated in a conference in Dachau which dealt with nourishment question. As I remember that occurred in May, that is, after the experiments. It is possible, however, that was in April. I do not know that anyone.

Q Were you in the concentration camp on that occasion?

A No.

Q Mr. President, in that connection I am submitting the Document Wragowski No. 2. It is an affidavit made by Oswald Pohl which can be found on page 35 of the document book. I offer it as Wragowski Exhibit No. 10. I should only like to quote the second paragraph which can be found on page 35. "Wragowski in spring 1943 took part in a conference on food questions, which took place in a building of the Medicinal Herb Gardens at Dachau. All participants in this conference were billeted in hotels in Munich. They were taken to the conference by buses and automobiles and were taken back to the hotels in a group. Wragowski, too, with all other participants was taken back to Munich in the same way. Consequently he had no opportunity to set foot in the concentration camp at Dachau. Furthermore, such a visit was not planned."

During your stay in Dachau did you speak to any of Dr. Rascher's co-workers?

A No.

Q The Prosecution, during the session of 13 of December 1946 as Prosecution Exhibit 124, submitted a file notation of your co-defendant Sievers which concerned the conference of 21 October 1942. Among others it says "The collaboration was discussed not only in the field of combatting insects but also in the field of the work of Rascher and regarding the use of Gastner

water in case of freezing." Do you remember that conference with Sievers and what did he tell you about Rascher's research work?

A. The conference was only very brief. I can remember it very well. There was no mention made about Rascher's research field.

Q. Mr. President, in this connection I should like to submit an affidavit made by the co-defendant Sievers which is Document Mrugowski No. 3 and can be found on page 37 of the Document Book. I offer it as Exhibit Mrugowski No. 11. I should like to omit the first paragraph and I read: "The defense counsel of the co-defendant Mrugowsky has asked me about the remark I made on 16 December 1942, Document No. 647, Exhibit No. 124,

MR. HARDY: May it please, your Honors, in due course the defendant Wolfram Sievers will take the witness stand. It seems to me that defense counsel for Mrugowski can put this question to Wolfram Sievers at that time and can dispense with the admission into evidence of this document. I object to the admission into evidence of this document affidavit of Wolfram Sievers

DR. FLEMING: Mr. President, may I say in this connection --

THE PRESIDENT: Objection by Prosecution is over-ruled.

DR. FLEMING: "The defense counsel of the co-defendant Mrugowsky has asked me about the remark I made on 16 December 1942, Document No. 647 Exhibit No. 124, concerning the discussion of 21 October 1942 between Mrugowski and myself about Rascher's activity. I can state the following about it:

"When, by order of Himmler, an entomological department was established at the Military Scientific Research Institute of the Waffen-SS and Police, under direction of Dr. May, Mrugowsky, as Chief of the Hygiene Institute of the Waffen-SS, which also dealt with entomological research, asked me what the task of the new department was to be. I informed him of Himmler's established order, and told him that the Institute would be exclusively concerned with the development of methods of fighting animal pests, especially in the insect sphere by breeding diseases peculiar to insects, but not diseases relayed to human beings by insects so that there was no question of overlapping with the Hygiene Institute. An immediate discussion with Dr. May regarding this would be expedient. This I arranged, and it took place in Mrugowsky's

quarters at the Institute of Hygiene on 20 November 1942. On that occasion, we discussed briefly the other departments in the Military Scientific Research Institute, and who was in charge of them. I pointed out to Brugowsky that the Institute for Military Scientific Research combined those departments in whose research Himmler took a personal interest. He had founded the Institute because he did not want any other authority to engage in the work of these departments.

"Himmler, in his order concerning the execution of experiments, (Prosecution Exhibit No. 79), had also commissioned Rascher with experiments on curing partial freezing and added: 'for example with Gastelner Water Compresses'. According to No. 5 of Himmler's letter, the procurement of equipment needed for the experiments should be discussed with the offices of the Reich Physician SS, the Main Economic and Administrative Main Office and the Ahnenorbe.

"I was to get a continuous supply of Gastelner water fresh spring for Rascher's experiments. Since I had no idea about the organization of the office of the Reich Physician SS and Police, I asked Brugowsky in this connection if an office of the Reich Physician SS could help me with the supply of the Gastelner water.

"We did not discuss any other questions about Rascher's experiments. I would also not have been in a position to give any information about them. But in the course of this discussion I pointed out to Brugowsky, that collaboration between the Institute for Hygiene and the Institute for Military Scientific Research of the Waffen SS required in every case personal permission from Himmler, who had reserved these decisions for himself.

"I have only just found out that, in my note of 16 December 1942 the words "that is" were left out between the words "Rascher's sphere of research" and the words "with regard to the use." It should read: "We discussed collaboration not only in the sphere of past control but also in Rascher's sphere of research, that is with regard to the use of Gastelner Water in cases of

freeing." Because we talked about collaboration in Rascher's sphere of research only with reference to the supply of Gasteiner Water, in fact, not about collaboration with Murgowsky's Hygiene Institute, but about which office of the Reich Physician SS could help with the supply of the Gasteiner Water."

And then follows the signature and the certification.

I came now to the malaria experiments. You are also charged with having carried out malaria experiments. Did you know Professor Schillinger?

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Q Then y u never smoke with him?

44

Q Did you know that he carried out salaried experiments in Dachau?

At the beginning, no; but one day I received from Grawitz a handwritten note of Schillig's regarding his work. It could be seen from this note that he was engaged in experiments to achieve immunity from malaria. That was one of Schillig's 1st research problems on which he had written several papers. It turned out that general immunity from malaria could not be achieved, but only immunity against one particular form of that infection. Such partial immunization, of course, does not play any role at all in practice because in every region infected with malaria there is not just one brand of malaria but a great number. Consequently, when I gave my opinion on this report of Schillig's, I stated that so far there had been no success and could not be expected because, in my opinion, the whole matter had been incorrectly handled, and I added that I would ask the Reichsgesund SS to take care of such experiments.

Q Did you have anything else to add?

Q I could have a thin also I do because, as far as I know, those experiments of Schilling's were discussed immediately by him with Genti and Bismarck, and Grawitz took part in them only later. At that time I do not belong to Grawitz' staff, but to Dr. Gensken's staff in the main office, so that I had no opportunity to interfere. I could simply tell him my opinion and point out that I was of a different opinion in this matter, and that I was.

Did you yourself ever concern yourself with malaria?

" Within the sphere of epidemic control I did concern myself rather intensively with malaria since in Southern Russia and in parts of the Reich and in Unger Italy we had many cases of malaria. I also delivered a lecture on the subject of Malaria in Southern Russia.

Q Now, as Document No. 37 I submit an excerpt from the report on the second meeting of consulting physicians from 30 November to 3 December 1942 in Berlin. It is to be found on page 40 of the document book, and I submit it as Frau-wsky Exhibit N. 12. I bring it to the notice of the Tribunal and can dispense with reading it into the record.

We come now to the sulfonamide experiments with which you are also charged. Did you ever concern yourself with sulfonamide or its use?

A No.

Q Did you know the scientists Overhauser and Fischer?

A No.

Q Did you know Rosenthal or Schindlowsky who are said to have participated in these experiments?

A Rosenthal I did not know and, at that time, I didn't know Schindlowsky either.

Q You knew Professor Gebhardt?

A Yes, but only by sight.

Q When did you make Schindlowsky's acquaintance?

A At the beginning of 1945 in Buchenwald.

Q Dr. Gebhardt stated on the witness stand that he did not discuss his sulfonamide experiments in Ravensbrueck with you. Is that correct?

A Yes.

Q Did you know anything at that time that these experiments were being carried out?

A No.

Q The Hygienic Institute of the Waffen SS, of which you were in charge, is said to have delivered the so-called bacilli which were used in these sulfonamide experiments in Ravensbrueck. What do you know about that?

A That is possible because the Institute was to fill the interests of the SS units. The delivery of cultures for scientific purposes was one of the normal and customary functions of a bacteriological laboratory. We had such exchanges with many bacteriological institutes. The deliveries

if bacilli were not an important matter that they were anything but of the ordinary. That fell within the competence of the departmental chiefs.

Q At a later time I shall submit to this a statement from the Robert Koch Institute in Berlin, which I have not yet received, but it says we deliveries of cultures without telling the chief of the institute.

After your return from the trip you made at that time, were you told anything about these bacterial cultures?

A No.

Q In an affidavit of the co-defendant Fischer of the 19th of November 1945, Document No. NC-226, Prosecution Exhibit 206, it is said that, on the basis of correspondence with you and a conference with your assistants, it was decided upon to change the type of bacterial cultures. What do you know about this correspondence which, according to Fischer's testimony in the trial, took place roughly between the 7th and 10th of August, 1942?

A. Regarding this correspondence between my institute or me on the one hand and Professor Gubharit on the other hand, I know nothing. In June and July I was on an official trip in the East and returned from this trip at the end of August. Consequently, at the time that this correspondence took place I was not present in Berlin, and I could not have written these letters. If this letter was written at all, which I have not been able to clarify as yet, the copy had certainly already been filed away before I returned at the end of August, so that I did not see it. I found out nothing about it.

Q. In an affidavit on the part of the co-defendant, Fischer, Fischer states further that the Hygiene Institute of the W from SS have arranged various combinations of gas and rube bacilli for the experiment. Do you know anything about that?

A. No.

Q. Mr. President, at this point I should like to read Hrugowsky Document No. 38, to be found on page 48 of the document book and which I shall put in evidence as Hrugowsky Exhibit No. 13, paragraph 9 on page 52. This is an excerpt from an affidavit by Susanne Damsch, Hrugowsky's former secretary. The first paragraph is the usual introduction. No. 9 sets forth:

"I still remember that Hrugowsky went on a lengthy official trip to the East in 1942 and again in 1943 together with the Chief of the Department for Climatology and Kultur-Geography, Dr. Kurt Gumbert, and was absent during June, July and August. In 1942 Hrugowsky did not return until August, after the date fixed for the end of the trip had already elapsed. I still remember that at the time Hrugowsky was rather sharply reprimanded by his superior, Dr. Gumbert. Hrugowsky was very annoyed and told me about it.

"I remember the incident very well because, contrary to the usual custom, Hrugowsky did not celebrate his birthday (15 August) in the Institute, and I could not congratulate him on the actual day. As far as I can remember, he did not return until several days later."

I submit this as proof that Arugowsky was not in Berlin at that time.

Professor Gebhardt has testified on the stand that Gra-witz caused the bacterial cultures to be sent from the Hygiene Institute. What were the usual channels for such transmissions and in the Hygiene Institute who was responsible for them?

A The shipment of cultures of living bacteria was in the hands of the Chief of the Bacteriological Department. In the middle of 1942 the person who was in charge of this department frequently changed because to a greater and greater extent we were fixing up field laboratories for the army and men had to be taken from the institute to fill these positions. Consequently I do not know who, in June or July, was chief of that department.

Q Mr. President, in Document No. 4 ARUGOWSKI, Arugowsky Document No. 4 is an extract from the Reich Law Gazette 1917. I do not want to read this at this time because the passage is not herein contained. In other words I shall do so later but not at the moment.

Q Was Professor Gebhardt one of the scientists to whom such gas gangrene cultures would be sent without further ado if he requested them?

A In this Reich Law Gazette which you just mentioned there is printed a law regarding the shipment of bacterial cultures which was valid in Germany since 1917. Where it says that chiefs of clinics and hospitals were permitted to receive such cultures. It is a matter of course that Professor Gebhardt, as chief of a hospital clinic of 1,000 beds, was among those permitted to receive them. Consequently there was no need for police permission, which any person would have had to have, nor did we have to inquire to what use these cultures

were to be put. It is the custom in German clinics that scientific work is carried on on anthesis, and frequently, of course, bacteria and sera of other sorts are used. When the chief of so large a clinic asks for cultures, no bacteriologist would consider it necessary to inquire more precisely in to the use to which these cultures were to be put. That would certainly have been construed as a scientific indiscretion.

Q You know that the witness Sofia Maczka testified that Yvonike Arszka died of tetanus. This is on 1438 of the English record and 1447 of the German record of 10 January 1947. Were tetanus cultures bred by the Hygienic Institute?

A We had a considerable collection of cultures in our Institute including tetanus cultures which we acquired from another Institute. They were in powder form in little glass test tubes and were never opened. We did not engage in the breeding of such tetanus bacilli. We used the mouse method of investigating tetanus and not the method involving bacteriological cultures if the question ever arose.

Q Gebhardt and Fischer in May 1943 at the 3rd Conference of the consulting physicians reported on their experiments. Did you hear this report?

A No, I did not hear these reports.

Q Why not? weren't you at the conference?

A I was present but at the time there was a meeting of the Hygienic Society which I attended. Dr. Gebhardt's report took place in the first sitting room of the surgical department, and since we were discussing problems ourselves, I followed up on typhus and tetanus it rather than Professor Gebhardt's lecture.

Q I come now to the sea-water experiments, of which you are also accused. Did you take any part in these sea-water experiments?

A No, no part at all.

Q When did you first hear of these experiments?

A On the day of the arrestment.

Q You know that the Prosecution, in the cross-examination of Professor Karl Brant, mentioned the committee for drinking water utensils. What was the task of this committee?

A This committee was part of the Reich Ministry for Armaments and War Production. The purpose of it originally was to make uniform the drinking water utensils for sterilizing water for the troops. Many power firms produced their own equipment and it was no longer possible to keep using these many types of drinking water equipment nor to use them. Consequently, unification was to be undertaken and for this reason this drinking water committee was formed. However, I did not concern myself with this problem in general, but turned to a special problem.

Q You concerned yourself with a special problem. What was that special problem?

A This was the problem of purifying water which had been poisoned during an imaginary combat and this making it potable for the population of cities without endangering their health. Particular attention was given to the question of mustard gas poisoning, and the question was debated in what form this mustard gas, which had been put into drinking water, could be made harmless. At that time, from the Reich Department for Water, Land, and Air Hygiene, there was a test in this matter which was to be carried out on German water systems. The committee I mentioned concerned itself with this problem.

Q You were a member of this committee?

A Yes.

Q Did it meet often?

A As far as I know, it met twice.

Q Did the conferences of this committee have anything to do with making sea water potable?

A Not the slightest.

Q In your official activities did you have anything else to do with seawater, or with making it potable?

A No, nothing.

Q Were there any connections between the Committee and the sea-water experiments?

A I knew of none.

Q Mr. President, I submit now Wroblewski Document No. 5, which is on page 45 of the document book, as Wroblewski Exhibit 14. This is an affidavit by Dr. Werner Hesse in Berlin-Friedrichshagen.

THE PRESIDENT: Counsel, did you give the last exhibit to which you referred - I think it was Krugowsky Document Number 4 - the number 14?
"Did you offer that? Did you offer Number 14?"

DR. FLEMING: Not yet, no.

THE PRESIDENT: Should not this exhibit you are now offering then be Number 14?

DR. FLEMING: Yes, the one I am now submitting should be Number 14. Let me repeat. Krugowsky 37 is Number 13; 38, the third from the bottom in the table of contents, is Number 13; and Krugowsky 8 now becomes Krugowsky 14.

THE PRESIDENT: And I understood you to give this exhibit number as 13. Possibly I misunderstood you.

DR. FLEMING: So, 14. I may omit reading the first two paragraphs of Document Krugowsky No. 6 of this affidavit and begin with the words "Prof. Dr. Krugowsky" on page 43, third paragraph:

"Professor Dr. Dr. Joachim Krugowsky, the director of the Hygiene Institute of the Waffen SS in Berlin, and I, together with other gentlemen, were members of the Commission for Drinking Water Equipment.

"This commission is supposed to have been founded by order of Professor Dr. Karl Brandt in the Reich Ministry of War.

"The commission met only twice in all. The only problem which was discussed was the protection of the central water system of the large cities in case of war and the provision of portable drinking water installations. The commission never dealt with the question of making sea water potable or any other questions concerning sea water."

Q. You know the Document Number MC-154, Prosecution Exhibit Number 449, in which poisoned water is tested after it has been made harmless. Can you say something about that?

A. So far as I remember, this is a report of the president of the aforementioned Reich Department for Water, Land, and Air Hygiene in Berlin on the question of rendering drinking water non-toxic, and it was not known to me that any testing of this was carried out in concentration

camps. I am not mentioned in this document nor did I have anything to do with that matter.

Q. Was it here in the trial that you saw that document for the first time, or had you known of it before?

A. I saw it for the first time here.

Q. Professor Brandt testified on the stand that you had delivered a lecture at the meeting of the Commission for Drinking Water Installations. Could you say something about that?

A. I spoke once there, but that was not really a lecture. The organizer of this process wanted to introduce his process as a monopoly and I stated my point of view about this and said that it was dangerous in times of air warfare to rely on only one process; on the contrary, several procedures for the same purpose should be developed, to one of which, of course, one could give precedence, but one should not rely on just one. That's all I said.

Q. Now I come to the experiments with epidemic jaundice with which you are also charged. Did you participate in any way in experiments in epidemic jaundice?

A. No.

Q. When did you first hear of these experiments?

A. When the indictment was presented to me.

Q. Did you know Dr. Dohren?

A. No.

Q. Did you know Professor Haagen in Strasbourg?

A. I knew him slightly.

Q. Did you yourself collect any data on hepatitis, that is, epidemic jaundice?

A. The persons affected with hepatitis were, next to typhus and malaria, the greatest concern to German physicians during this war. Dr. Pittet has already said that the number of persons who fell ill of this disease rose into the millions. It is a matter of course that I as a doctor should have had to concern myself with this problem because every

clinic with a hospital for epidemic cases received hundreds of such cases. In other words, I concerned myself clinically with the treatment of this disease, and I calculated on the basis of statistical data that there were few cases but sufficient that fell to me. There were roughly a thousand but I did not concern myself with the germ that causes this disease, nor was there any equipment in my institute for breeding that virus. You need special technical equipment for that which we did not have.

Q. Did you concern yourself with how the sickness arises?

A. No.

Q. Professor Outzeit in his interrogation as a witness on the 10th of February 1947 said that he had seen you occasionally at conferences and so knew you. Did you ever talk about jaundice experiments when you met him there?

A. No, not a word.

MR. FLEMMING: Mr. President, I now submit Document Krugowsky 6.

MR. HARDY: May it please Your Honor, this Document Number 6 of Professor Outzeit's on page 47 in Krugowsky's Document Book is dated 23 January 1947, and since that time Outzeit has appeared here as a witness and was examined by defense counsel. I think it will only be cluttering the record to add it into evidence. Therefore, I object to the admission of this Document.

THE PRESIDENT: Does counsel desire to read the document into the record or simply submit it as an exhibit?

MR. FLEMMING: I simply wanted to put it in evidence. I asked Outzeit when he was on the stand at that time whether what he had said here in this affidavit was true, so I simply bring the Bench's attention to the document.

THE PRESIDENT: The Document will be admitted in evidence.

MR. FLEMMING: It will be Krugowsky Exhibit Number 15.

Q. The co-defendant Rudolf Brandt said in his affidavit, Document 34, Exhibit Number 186, that Dr. Grawitz had direct negotiations with

Himmler in order to get experimental subjects for Dr. Dohren. Did Dr. Grawitz talk about this to you?

A. No, no one spoke to me about the jaundice problem.

Q. Then I can state that you neither participated in jaundice experiments nor before your arrest did you know anything about these?

A. That is correct.

Q. I come now to the sterilization experiments. Before your imprisonment did you know anything of experimentation in sterilization?

A. No, I had heard nothing about it.

Q. You know Rudolf Brandt's affidavit, Document 440, Prosecution Exhibit Number 141, in Document Book 6, in which it is said that Himmler after a conference about sterilization problems specifically ordered that the whole sterilization question should be treated with the utmost secrecy. Were you ever present at conferences on sterilization?

A. No, never.

Q. Did you know Professor Klugeberg?

A. No.

Q. Professor Mohlfelder?

A. I saw him once in Grawitz's anteroom but did not speak to him.

DR. FILSHING: Mr. President, from Suzanne Dacot's affidavit, which is on page 48 and which formerly was Exhibit Number 13, I should like to read Paragraphs 16 and 19 on page 56:

"Number 16. I was also asked whether I had ever heard in the Institute or from Krugowsky anything about:

(a) Luftwaffe high altitude experiments at Dachau carried out by Dr. Rechner,

(b) Luftwaffe freezing experiments at Dachau carried out by Dr. Rechner,

(c) Professor Schillig's malaria experiments at Dachau,

(d) Hepatitis experiments at Metzwiler and Seehausenhausen,

(e) Typhus experiments at Metzwiler,

(f) Sterilization experiments.

(g) Luftwaffe experiments at Dachau on rendering sea water potable.

"I have definitely never heard anything about experiments of this kind. If such experiments had been discussed verbally or in writing in the Institute, then I am convinced I should have heard about them."

"Regarding the Luftwaffe experiments on rendering sea water potable, I should like to add that the question of water supply and drainage in concentration camps and their outlying posts was dealt with in the Institute, but it was surely a matter of water supplied from underground sources, never of sea water."

Q. So I can you state that you knew nothing about sea water experiments nor about sterilization experiments?

A. That is true.

Q. I come now to the typhus experiments. Please describe to the Court what typhus really is.

DR. FLEMING: No, I don't want to read anything now, but simply call the Court's attention to it.

THE PRESIDENT: Then you may wait until the document is read in, and then offer it in evidence at that time.

DR. FLEMING: Thank you.

BY DR. FLEMING:

Q Is typhus painful?

A Clinically, typhus results from a group of typhus diseases, as the word "typhus" means, fog, and has reference to madness. In reference to the disease, it is characteristic of these various symptoms, or, at least, typhus takes place while this patient is in this stupor, or madness. Typhus in general does not cause pain, as that is characteristic of all of this group of diseases, which can be diagnosed usually by the fact that the man has fever, and feels poorly but otherwise cannot say that he hurts anywhere, or cannot really say what is really wrong with him. That it is a rule that in such cases you diagnose typhus and spotted fever.

DR. FLEMING: At this point I shall submit Dr. Wasky's Document No. 19, which is also in Document Book No. 1-4, which I wish to introduce when that document book is available. Witness, can you state under oath --

Q -- leave that out which refers to the document.

BY DR. FLEMING:

Q Witness, what was the reason why typhus occasionally appeared in Germany with almost medieval violence?

A It is an old common saying on the part of epidemics, that these epidemics that are especially harmless, like mumps, or measles, scarletina, are very dangerous if they strike a receptive population which is not protected. If such an epidemic occurs, then in the first fury after it strikes the most serious cases occur, and so it occurred as a result of the Russian campaign where I for the first time saw these most dangerous cases of typhus. There were cases of men who went to work in the morning, and then fainted, and became unconscious while working, were brought unconscious to the doctor, and died within one or two days without recovering.

consciousness. Similar cases were found in Naples by the American Typhus Commission under General Fox. People died there in the streets. And that is typical of the first appearance of an alien epidemic in a population that is receptive to it, and, of course, that is the most serious danger in which a threatened population could find itself.

Q Was a shooting of typhus under these conditions of greatest importance both from a medical and military reason, as far as a civilian population was concerned?

A Epidemics draw a distinction between civilian and soldiers, consequently, it is obvious that the control of one of the deadliest epidemics of the world was one of our prime tasks, as soon as such an epidemic made its appearance.

Dr. FLEMMING: Mr. President, I should like to ask a few questions of Dr. Dine, but first I should like to point out a mistake in the interpretation, which was just called to my attention. The witness said when referring to the penal sentence in bringing out a statement that, "A criminal is not allowed to be a member of the army," and the interpretation was that "A person not fit for military service is either a worker or is put in prison." That, of course is a non-sensical mis-interpretation, and I should like it set down in the record that Dr. Dine said, "That every German in a prison if he with a criminal record cannot be inducted into the army."

THE PRESIDENT: Counsel, before entering upon that subject which you referred to a moment ago, that will be postponed for tomorrow morning's session. The Tribunal will recess until 9:30 tomorrow morning.

(The Tribunal adjourns until 27 March 1947 at 0930 hours.)

Official Transcript of the American Military Tribunal I in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 27 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are all present in court.

THE PRESIDENT: May it please your Honor, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the names of all the defendants in court.

Counsel may proceed.

WACHIN WRUGOWSKY - Resumed

DIRECT EXAMINATION (Continued)

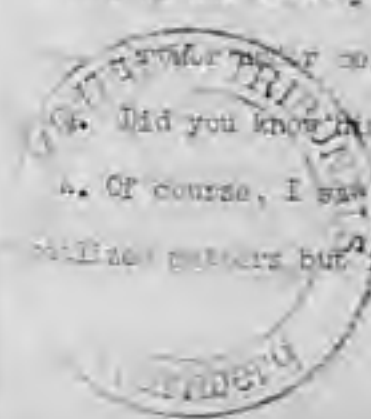
Q. A. L. 1 (Counsel for the Defendant Wrugowsky):

Q. Before I enter upon a discussion of the typhus experiments in Buchenwald I should like to ask a few questions about Dr. Ding. Dr. Ding came from your institute, did he not?

A. Yes, I knew him as a result of an inquiry I directed to troop doctors of the Waffen-SS and he volunteered for work in the field of typhus and bacteriology. He was an instructor in the SS-doctor's Academy at Graz, and at the Hygiene Institute of the university there received his first bacteriological training. When he began his work at Buchenwald he had already received his basic training and could develop

Q. Did you know him personally very well?

A. Of course, I saw him and spoke to him very often on technical matters but it would be false for me to say that I know



him well or was in his close confidence. That was not the case. I didn't like his nature on the whole.

Q. What was your impression of his character?

A. Various witnesses of the prosecution have already made statements on this point. For instance, Dr. Kogon said that one could easily be deceived as to the doctor; when he was still a concentration camp doctor in Buchenwald his former secretary could corroborate that in a book that he wrote before the war in Buchenwald. I myself say Ding was a person in whom one could rely and in whom one could have confidence. But through Kogon's testimony and through careful study of the material presented by the prosecution in this process, I have had to come to the conclusion that this assumption on my part was not correct. Kogon for instance said that even the most secret letters, which according to regulations had to be written by an officer himself, and being turned over to him as an inmate with the order that he should make a few typographical errors so that it could be pretended as if he himself had made the letter. The unreliability of character that was manifested in this small trait is probably characteristic of his whole character. But, of course, at the time I knew nothing of it. Otherwise the other characteristics that Kogon stated are correct. Ding was intelligent, industrious, with pathologically ambition, very vain, who liked to take credit for what others had done. He liked to mention his association with people in high offices on every occasion, whether it was a suitable one or not.

Q. We have already said what Ding's specialized bacteriological training was. I would like to ask now what were his other qualifications as a doctor?

A. He had an average medical training. His knowledge of therapy and diagnostics were average. He was very skilful in the laboratory and could handle scientific problems.

Q. What was his additional training in the field of typhus?

A. When the thought arose in our institute of manufacturing our

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own typhus vaccine for own use, I sent him to Professor Gildersister in the Robert Koch Institute in Berlin in order to acquaint himself with the whole field of typhus bacteria and to have him learn how these bacillus are bred in chicken eggs. Subsequently, he was at the Pasteur Institute to learn more about how this vaccine is produced, a method which we wanted to use for our own purposes.

Q. Do you consider this additional training as sufficient?

A. This training was, of course, not sufficient to be a fully trained specialist. That can only be achieved by years of experience, but it certainly was sufficient to form a basis for acquiring one's own experience in the field. His practical activity corresponded to this training, and he was not thought of as to be employed in any special research work at first. He was given several fully trained bacteriologists who were prisoners to help him, one of whom was one of the best specialists in Poland in the field of typhus, Professor Flock from Lublin, who was to support him in his work. In this training up before his training was altogether sufficient.

Q. I ask you now to describe to the court how these typhus lice, as in Bucher's case about. What were the possibilities of controlling typhus at the end of 1941?

A. After the end of the first world war typhus control was entirely dependent upon louse killing. A person with typhus who has no lice on him cannot pass the disease on. The louse is the necessary prerequisite for passing typhus from one person to another. If I can destroy the louse by destroying the carrier, namely, the louse, then I must have success in controlling typhus. In the first world war this control method was sufficient. At the beginning of the Russian revolution in this country, however, typhus spread at the front during the civil war, as in case of air camps, and it spread with such elementary virulence that this control method was no longer sufficient. This was the first time that vaccination in the official sense. Vaccination for typhus was only theoretically known in Germany at that time. It had no experience of use up to that extent.

Q. Were enough vaccines made?

A. No, the vaccine was not sufficient. It was produced by special research in manufacturing institutes of the army in Berlin and in the army there after the 1918-1919 war. There were special typhus vaccines produced which were used to vaccinate the viscera of infected lice. This process is extremely difficult because every louse has to be killed and the vaccine is injected in the abdomen and the vaccine is produced in the abdomen of the louse. The capacity of this institute was not sufficient to cover the needs of the army. However, on the other hand, by means of the development of this vaccine by industry is only in the beginning of the

of laboratory research. Here two main methods were known, the method just described, in which lice were used, was not employed, but the germs were bred in chicken eggs, and here were also two German methods which will play a role later on in the trial, the Otto Walther and the Gille-Wiechert methods. Greater production of these vaccines was expected by industry through these methods. In foreign countries there was still another method which involved the artificial infection of guinea pigs, rabbits, mice, or dogs in the nose, which induced a specific infection of the lungs and the infected lung of the animal was used for the vaccine. To this group of vaccines developed by this method which will also play a role later on in the trial, belong also the French method of Giraud, the Roumanian method of Camplesch and Zatu, and the Chinese.

Q. What was the method which industry used in Germany?

A. The germ with chicken eggs.

Q. Why did you not leave the production of this vaccine to the industry?

A. Industry in Germany had not reached sufficient proportions at that time. On the other hand there was a tremendous need of these vaccines by very many and it could be seen in the next few months that need could not be covered by industry alone. We ourselves had, for the trials of the first demonstration of the first requirement also. Consequently, it was clear from the very beginning that industry could not cover this need and I was at that time of the opinion which I still hold today, that the only solution for these difficulties was the production of these vaccines for our own use.

Q. Did you choose the chicken egg method in Germany because the pool with lice was becoming more scarce?

from death to death and because we knew that in the use
of this method we had to count on a loss of fifty to
eighty per cent of the sera used which could not be used
in the manufacturing of vaccine. Consequently, I suggested
that Grawitz use the French Giroud method, and Grawitz
was loyal to this.

Q. Any other vaccines tested other than those
made from rabbit lungs, and if it had been decided from
the beginning to manufacture our vaccine from rabbit
lungs?

A. In Germany we knew at that time from our own
experience that of the single vaccine from lungs. We know
nothing of the effectiveness of the vaccine from chicken
lungs. We hoped the vaccine would be efficacious but we
did not know that, and it is, of course, understandable
that in a time of such a typhus epidemic we should
be anxious to get the best of our vaccine. That is to
say, that the vaccination was simply a matter of
individual protection, hence the necessity of knowing
the relative value of vaccine sera.

Q. How was this vaccine being carried out?

A. This vaccine was first to be carried out by
the military, such as were customary in Germany,
and in other institutions, and recently these really
important vaccine sera to be used in the vaccination
infectious with typhus and it was our idea to vaccine to
Grawitz to make from the sera of infection and also
from the sera of the 2nd vaccine typhus was the first, the
first vaccine, and then the 2nd vaccine was made from people
who were the relative efficiency of this vaccine and
other vaccines in relation to the French vaccine typhus.

Q. Why was that not done?

A. It was in part done, but another line of development caught up with and passed it. I myself suggested this method of comparative investigation of epidemics to Grawitz. It was submitted to the Eastern Ministry, which dealt with Occupied Russian Territory. At the end of 1941 there was another conference with Grawitz. He asked me at that time how long it would take before we knew how effective these vaccines were and I answered him that it would take a few months, but that one could not count on any certain knowledge before the end of the next year--1942/43, so he asked me if there were no other ways that might possibly shorten this length of time. I answered that the animal experiments and the testing in endangered groups of population took such a length of time that the process could not be shortened without endangering the likelihood of any success at all.

4. (continued) Grawitz was most discontent to hear this. He had again been asked by Hindler when some positive results would be coming in. And Grawitz was a fellow who did not like to give any negative answer to his boss. Thus the bad relations between him and Hindler played a roll in this matter. The conversations became more and more excited because Grawitz finally got to the point of saying that a way simply had to be found to shorten the period of testing because it was quite impossible for him to give such a negative report to Hindler and finally he asked me whether the following way might not be feasible. It would decidedly shorten the length of time if these experiments were not carried out on animals but on human beings. Thus these human beings were first to be vaccinated and subsequently artificially infected. This thought, which came to me for the first time, outraged me. I told him that, of course, this procedure would shorten the length of time necessary because the discrepancy between animal and human being experiments is that the animal experiments must be repeated several times in order for the results of the experiment to be transferable to human beings, for as everyone knows a guinea pig is not a human being and in the very decisive points it reacts much differently from the way a human being reacts. Grawitz said, "What do you want? That is the only way that we can consider now. We are confronted by a dire necessity and I believe we must follow this if we see a chance to do so." I answered him that he should not understand my statement to mean that, because that way was impossible, namely, to artificially infect healthy human beings simply to test a vaccine because the same results could, although somewhat more slowly, be achieved by other means. He said, "Then you do admit that we must simply passively accept this loss of time and also accept the responsibility for the deaths that will result as a consequence of this time we are losing among the population infected with typhus?" I told him that was something which those people would have to take as their fate; I myself could see no other way. And I told him by attitude - that human life was sacred - an attitude which I had set down a few years previously

a back and that, of course, I could and would not act contrary to my own convictions and beliefs. Grawitz was not satisfied with this. He concluded this conference, which was among the most dramatic conferences I have ever had in my whole life, with the statement that he would submit this matter to our common chief, Himmler, and would tell me later what happened. I then found out that a few days later he actually did meet Himmler somehow, and when he told me of this talk with Himmler he told me especially that he had informed Himmler of his and my points of view and that Himmler had decided against my point of view. He had been so kind to me as not to commission me with these experiments but on Grawitz's suggestion Ding, who had already been trained in the field of typhus, was to be used for this purpose.

Q. Now, President, I refer now to Krugowsky Document 38, which I put in evidence yesterday as Krugowsky Exhibit 13. I should like to read number 1 to 3 on page 48 of the document book. This is the affidavit of Krugowsky's former secretary, Susanne Dumont. Page 48:

"1. I was employed as Krugowsky's secretary from 1 March 1939 to April 1945. I dealt with the greater part of his correspondence. Krugowsky also often talked to me about the various matters connected with the correspondence in order that I should be informed in case of queries during his absence.

"When I started work there, the Hygiene Institute of the Waffen SS was in the process of formation. I therefore took part in the whole development of the Institute and have personal knowledge of many details.

"2. Because of the numerous cases of typhus in the concentration camps and among the Waffen SS troops during the winter of 1941/42 Krugowsky decided to manufacture typhus vaccine for the concentration camps and for the Waffen SS in the Hygiene Institute, in order to be independent of the industrial supplies.

"One day Krugowsky told me that he had spoken to Grawitz about the intention to manufacture typhus vaccine and that a department of the Hygiene Institute was to be formed at Buchenwald for the manufacture of

this vaccine. The process was to be carried out in Buchenwald so that it would not be endangered by air raids on Berlin. Also it was easier to obtain fodder there for the animals necessary for the tests and there was also a sufficient number of experts at Buchenwald to look after the animals and to manufacture the vaccine. I also heard then that Dr. Ding would be in charge of the vaccine production and that he was to learn under Professor Gildemeister in the Robert Koch Institute the process of manufacturing typhus vaccine which the professor had developed.

"I know from Dr. Ding that he worked for some time in the Robert Koch Institute with Gildemeister in order to learn the Gildemeister method of producing typhus vaccine.

"3. Some time after Ding had been sent to the Robert Koch Institute to learn the manufacture of the vaccine, Krugowsky told me that Grawitz had asked him when his vaccine manufacture would be far enough advanced for large quantities of vaccine to be available for inoculations. He replied that this would take at least six months because the animal tests had to be repeated before workable results were achieved, and because even then the vaccine would have to mature. Grawitz was annoyed at the long delay and suggested that the animal tests be dispensed with and prisoners be used for the tests instead. Krugowsky brushed at the time about Grawitz and said that he had only suggested the tests on human beings because he did not want to have to report to Himmler that the vaccine for the inoculations would not be available for approximately another six months. He told me he had rejected in the presence of Grawitz the suggestion of testing with prisoners and had quoted his book "Medical Ethics" in which he had stated his opinion about such tests.

"A short time later on his way back from seeing Grawitz again, Krugowsky told me that Himmler had decreed that prisoners should be used for the vaccine tests. He mentioned in this connection that Grawitz would probably pass Himmler's order directly on to Ding."

Now I should like to read from Document No. 39, page 59 of the document book. This is the affidavit of Mrs. Hildegard Pfaffinger, who was

Assistant secretary and proxy of Susanne Darent. Page 59, Krugowsky
Document 39. I wish to give this Exhibit Krugowsky 16. Frau Pfaffinger
says, after the customary introduction:

"From about October, 1940, to March, 1942, I was a shorthand typist, and subsequently from January, 1944, until April, 1945, as assistant secretary of Professor Dr. Krugowsky at the Hygiene Institute of the Waffen-SS.

During the above periods, as well as during the intervening period, I used

to do the work of the first secretary, Miss Susanne Dumont, when she was absent due to sickness or vacation. Through these activities I was able to gain an extensive insight into the correspondence and operation of the Hygiene Institute of the Waffen-SS. I still can remember that one day my

chief told me at the institute that the "old man", meaning our chief, Professor Dr. Krugowsky, had had another argument with Grawitz and had advocated his divergent opinion against Grawitz. Grawitz had asked him to conduct the experiments with typhus vaccine not on animals but on prisoners because the experiments on animals would take too much time. But the chief had rejected that emphatically as contrary to his conception of professional ethics. My co-worker, Susanne Dumont, and I were happy when hearing of the upright attitude of our chief since our conception of medical ethics was the same."

Now from Document Book 1-A, which has just been submitted to the Tribunal,

I like to read the affidavit of co-Defendant Dr. Rose, Document Krugowsky 48. I should like to submit it as Krugowsky Exhibit 17, page 159 of the document book 1-A Exhibit No. 17. After the ordinary usual introduction, Dr. Rose says:

"My controversy with Dr. Ding and Professor Dr. Schreiber during the meeting of the consulting physicians occurred in a morning session of the section hygiene and tropical hygiene." I will begin again at the beginning if the microphone is not working.

"My controversy with Dr. Ding and Professor Dr. Schreiber during the meeting of the consulting physicians occurred in a morning session of the section hygiene and tropical hygiene."

THE PRESIDENT: Counsel, on what page of Document Book 1-A is this affidavit found?

THE WITNESS: 159 of Document Book 1-A which was just submitted to the

THE PRESIDENT: That is the affidavit of Gerhard Rose?

DR. FLESHING: That is correct, Document No. 48, Mrugowsky Exhibit No. 1.
Should I begin again from the beginning, Your Honor?

THE PRESIDENT: No.

DR. FLESHING: "During the lunch recess several listeners of the Ding lecture came to me in order to discuss with me my attack on those experiments. A majority agreed to my opinion. A not unimportant minority, however, regarded my point of view as wrong, whereby the latter counted upon the assurance given by Dr. Ding during the discussion that the experimental subjects were criminals who were sentenced to death.

"I cannot remember for sure who spoke for and who against it. I remember only the person of Dr. Mrugowsky because I regarded him as Ding's superior in every respect. Dr. Mrugowsky belonged to those who agreed to my opinion.

"I, today, after nearly four years, I do not remember the exact saying; however, I remember the fact itself. He said approximately that he had on principle the same scruples as I had, and that he, therefore, raised them prior to the experiments to Dr. Grawitz. The latter discussed

with Himmler and where a decision against him had been reached. He stated that he, too, would have preferred, in spite of the results achieved, that the SS would not have had to carry out the experiments.

DR. FLESHING:

Q Were the available vaccines on hand known as to their effectiveness?

A No, only the Vol 1 vaccine was known as far as its effectiveness is concerned, but the vaccines manufactured in the Reich were not. The difficulty with the Vol 1 vaccine was not purely technical in the way that I have just described, but was also an organizational difficulty because two types of lice breeds were necessary in the institute. On the one hand they had to be bred, and also infected lice had to be bred, and both of them had to be fed, but the only thing they could feed on were human beings. That's where the whole board of lice feeders was necessary to keep these lice alive. But we don't know lice in Germany, our population is not used to these little animals, consequently, it would have been very difficult to find men who would be willing to act as food for lice.

"signed Dr. Gerhard Rose."

Regarding the chicken egg vaccines, on the other hand, we did not know its effectiveness. Later in the year 1943 it was not so well known as was the Weigl vaccine. That can be seen from a document to be found in Professor Handloser's document book and which is signed by Professor Otto in Frankfurt, the man who knows most about typhus in all of Europe.

Q Now this Handloser document -- this Handloser Document No. 44-A, also Exhibit 14-A. I now submit to you the affidavit to be found in Document Book 12, the affidavit that Dr. Ding drew up before his death, Document NO-257, Exhibit 283, Document Book No. 12, page 9 in the German document book.

THE PRESIDENT: That is the number of that exhibit?

DR. FLEMING: NO-257, Exhibit No. 283. It is the third document in this document book 12 page 9 of the German document book.

Q DR. FLEMING:

Q I draw your attention to Paragraph II on the second page of this affidavit. There it says:

"In February, 1943, the carrying out of the experiments on the effectiveness of typhus vaccine was ordered. I (namely, Dr. Ding) was appointed to carry out these experiments. Since my office was in Berlin, I had to leave a deputy in Buchenwald during my absence. For this post the SS Dr. Grawitz, in agreement with the leading doctor of the concentration camp holding, named the SS Obersturmführer Dr. Heyden as staff doctor at Buchenwald."

Would you like to say anything about this statement of Ding's?

A This statement of Ding's reinforces what I said, namely, that Grawitz appointed Ding directly for this job. It can also be seen from this that Grawitz appointed a deputy, about whose existence, by the way, I know nothing. I did not know Dr. Heyden, and made his acquaintance only a week before his own arrest in 1943, whereas this statement refers to a period of time a year and a half earlier than that. Let me also point out that from the next page of this document, page 3, it is to be seen that for the experiments, the SS and the chief of concentration camps had freed inmates

from concentration camps, namely, habitual criminals who had been condemned to death, which word used by Dr. Bielschewski makes the same statement, who was working as inmate in Block 50 in Buchenwald.

Q I come now to the conference which took place on the 29th of December, 1941, according to Ding's diary, at which it supposedly was decided to carry out experiments on human beings. The Prosecution has in the meantime submitted Document 1315, Prosecution Exhibit 454, and 1321 Prosecution Exhibit No. 453, the two documents form one unified document apparently. I shall show you this document. It is not in a document book but was submitted subsequently. It can be seen from this document that on 29 December 1941 there was a conference on the typhus problem at the Reich Ministry of the Interior, and the participants in this conference were quite different from those whom Ding stated.

Q Now you know whether on 29 December 1941 there was, besides this conference in the Reich Ministry of the Interior, another conference on typhus, let me point out right away that Henschel, in his affidavit, Document 1314, Prosecution Exhibit 433, stated that aside from the persons mentioned by him - also Ling, Lin and Schreiber supposedly took part in the conference?

A Such a conference as is here described in Ling's diary on 29 December 1941, which Henschel, Conti, Heiter, Gildemeister and I are said to have attended, did not take place as here described. Not did I know that Ling ever took part in such a conference. I, at any rate, did not, so far as I remember, take him along. That on 29 December 1941 there was a conference in the Reich Ministry of the Interior - it was, as can be seen from Prosecution Document 1315, a conference between members of the Reich Ministry of the Interior with industrialists - was not known to me. Nor is it said that I took part in that. Only in the interrogations that preceded this - I find out that this conference ever took place at all. On the other hand, it is true that at some conference or other which also dealt with matters of controlling typhus I met Professor Henschel but, as I remember, this was a purely army matter which has nothing to do with the problems here for discussion but discussed de-lousing. That is all I have to say about that.

Q When did you find out about this conference on 29 December 1941 in the Reich Ministry of the Interior?

A That this conference took place in the Reich Ministry of the Interior I only discovered from again this Prosecution Document 1315.

Q But according to this Prosecution Document, in this conference it was decided that Dr. Demnitz of the Lehrin works was to get in touch with you about typhus vaccines. Now, according to that, you must have known about the fact that this conference took place. Please read the passage in question.

Q Now 2 of Document 1315, Prosecution Exhibit 454, under (1) it says that "the vaccine now being manufactured by the Lehrin works, which is extracted from chicken eggs, is to be tested as to its efficacy. For this purpose Dr. Demnitz will get in touch with SS Obersturmbannführer Jurowsky."

Of course, I know Dr. Demnitz. He is the technical manager of the Schriber Works. He had considerable experience in foreign lands, Brazil, and knew a great deal about the production of vaccine to control all sorts of disease in human beings and animals. But it was only now that I have become acquainted with this file note at the presentation of this document. I did not know that at that conference it was agreed that Demnitz should get in touch with me, and he did not get in touch with me.

I submit now to the Tribunal, Mr. Kowalsky Document 62. This is an affidavit on the part of Dr. Demnitz, in Document Book No. 1, page 64. I shall let me submit it as Mr. Kowalsky Exhibit 610.

THE CLERK: May it please Your Honor, this document is an affidavit with several German documents attached thereto. Prior to any admission of this document into evidence, the prosecution would like to examine the original documents that are attached to this affidavit. Then, if they are in due order, I will refrain from objecting, but if they are not German documents which should be submitted here I will tender an objection. I would like to see them prior to admission.

THE CLERK: Can Counsel for the Prosecution examine these German documents during the morning recess or the noon recess?

DR. FLEMING: They are accessible to him right now.

THE CLERK: Your Honor, attached to these affidavits are two letters which, presumed to be documents dated in the year 1942. Dr. Fleming has here, as his original exhibit, a carbon copy which is certified to by the District Attorney as being a true copy of the original German document. Now, as during the course of the presentation of the Prosecution's case-in-chief, and throughout, we have, in every instance, introduced either photostatic copies of German documents or the original German documents,

it is now it is possible for the Tribunal or the Prosecution to ascertain the authenticity of this document without a more elaborate certificate, or a photostatic copy of the original, or the original. This is certainly not in compliance with the regulations that we have followed heretofore. Therefore, I object to the admission of these two carbon copies which

are copies of the letter and not a photostatic or the original itself. I would like to pass them up to the Tribunal to look them over.

MR. HILGARD: Mr. President, these are certified copies which have been taken from the files of the Lehring Works and the authenticity of which has been certified by the Mayor. The Tribunal has permitted that affidavit shall be certified either by a notary or, in small places where there is no notary public, can be certified by the Mayor. It is my opinion that, in the same way, the Mayor then is also authorized to certify the correctness of copies of documents which are contained in the files of firms and of which we defense counsel can not get the original. Also, in small localities like Marbach near Stuttgart, where the Lehring Works are, it is not possible to make photostatic copies of such documents. The only possibility that we have to use these documents in our defense is to present certified copies, the correctness of which is certified by a person whom the Tribunal has accepted as competent to do so. The Prosecution can not hold it against this that they have submitted photostats when they haven't submitted the originals, because the Prosecution is in a position, with its wonderful equipment, to make photostatic copies of anything it wants copies of. This opportunity, however, is not available to us in small country communities, and consequently it would simply cut us off from presenting evidence if you asked that we produce the originals or photostats of documents that are in the files of business firms. If the Mayor certifies that the copy is a verbatim copy I really can not see why its authenticity should be substantiated more by the introduction of a photostat instead of a verbatim copy. That could only have a purpose if they were documents in long hand in which the handwriting had to be identified for some reason or other, but never in the case of documents written on a typewriter.

MR. HILGARD: Your Honor, I submit that I am not objecting to the affidavit which recovers the documents, this affidavit of Dr. Gannitz, I do not object to that at all. I am objecting to these two documents - letters and orders attached thereto on vaccines, simply because these are not copies of the original. They are not carbon copies made at the same time. These are

copies which were made on February 20, 1947. Now, whether this is a copy of the original document - it is so certified - but I think with the spirit of the case as we have been going along, the prosecution has introduced the German documents, that this does not comply with the regulations of the Tribunal, and, therefore, I do not see why we should be in a position to admit this into evidence. Now, in the case of its being certified by a notary or burgemeister, which is true of the affidavits, at any time if we doubt the authenticity of a document we can call in the document or call in a person in respect to an affidavit, but, in this instance, we do not even have the original German document. It seems to me that defense counsel should borrow it for a period of a week or two weeks in every instance to avoid this problem.

DR. FLEMING: Mr. President, if the objection of the prosecution is sustained, then my only alternative would be to call Dr. Demnitz with his files to Kuerberg as a witness. That a lawyer does not certify anything that is incorrect. —

THE PRESIDENT: Does the Secretary General have a copy - a German copy - of Wragowsky's Document Book No. 1?

JUDGE SERRING: Dr. Fleming, will you refer to page 2 of the Demnitz affidavit and read beginning at the bottom of that page, beginning with the words, "Furthermore, on 3 February 1943".

DR. FLEMING: That I shall read in a different context later.

JUDGE SERRING: I want you to read it now because it appears that this affidavit is not complete.

DR. FLEMING: Shall I read it aloud?

JUDGE SERRING: Just that small portion. I don't think the English document is complete.

DR. FLEMING: "Furthermore, on 3 February 1943 eighteen bottles ^{ing} each containing 36 ccn typhus vaccine were forwarded to SS Hauptsturmfuehrer Dr. Ding, Berlin Knesebeckstrasse 43/44."

THE PRESIDENT: Thank you.

DR. FLEMING: Mr. President, may I ask once more to look whether it isn't freely with the Bench. My secretary tells me that she gave the originals to the representative of the Secretary General and that he handed it on to the Bench.

THE PRESIDENT: The Court will be in recess for a few moments so that the matter may be investigated.

(A recess was taken.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

THE PRESIDENT: The Tribunal understands that the German document book will not be ready until noon. It will be prepared at that hour, however.

DR. FIEBIGER: Mr. President, shall I submit the affidavit which I previously announced now?

THE PRESIDENT: It appears to the Tribunal that the copies of letters referred to as attached to the affidavit are referred to in the affidavit itself.

DR. FIEBIGER: Yes.

THE PRESIDENT: The Tribunal is disposed to overrule the objection and admit the exhibit as offered.

DR. FIEBIGER: In so doing I offer Document Hragowsky 62 as Exhibit Hragowsky 15. It can be found on Page 64 of the Document Book Hragowsky 62. I shall omit the opening paragraph. The affidavit refers to the conference in the Reich Ministry of the Interior on the 29th of December 1941.

On the 29th of December 1941 at a conference in the Reich Ministry for the Interior in Berlin, Professor Gildemeister communicated that a program of experiments for the testing of the live vaccine according to Weizel of the vaccine of the Robert Koch Institute had been fixed between the Robert Koch Institute and the Hygiene Institute of the Waffon SS. When the representatives of the Behring Works heard this, they requested that the type vaccine of the Behring Works should also be included in this program of experiments. The program of experiments itself was not discussed, which, in the way in my opinion was completely superfluous because I took it as a matter of course that the comparative test of the vaccines would be conducted in the usual manner on persons in typhus areas who were threatened by typhus.

Professor Gildemeister replied that we should approach Dr. Hragowsky personally about this request. According to a very brief memorandum of

Colonelrat Bieber dated 4 January 1942, on the mentioned conference of 29 December 1941, it was to have been my task to contact Dr. Hragowsky

personally. This personal discussion with Dr. Krugowsky never took place quite apart from the fact that Bieber's memorandum of 4 January 1942 couldn't have reached me before 6 January 1942 at the earliest, that is, at the time when Bieber's instruction had been rendered invalid by events. On 2 January 1942 a certain Dr. Doetzer from the Hygiene Institute of the Waffen SS Berlin telephoned Warburg and ordered concentrated typhus vaccine for 600 persons. This vaccine was to be sent to Dr. Waagoner of the East Ministry. At the same time concentrated vaccine for thirty persons was ordered to be sent to the Hygiene Institute of the Waffen SS in Berlin for the purpose of conducting comparative tests with the Gildemeister vaccine. Therefore, I no longer had reason to contact Dr. Krugowsky personally with regard to the typhus vaccines. My own memorandum on the conference of 29 December 1941 proves, moreover, that Dr. Krugowsky was not due to return from Kiev until 6 January 1942.

"During the following years of the war I visited Dr. Krugowsky two or three times. The subject of these visits was merely the deferment of our children, who was the head of the Typhus Institute in Lvov or also the postponement of the two Waffen SS training courses which Dr. Haas had mentioned."

In the former part of the affidavit Dr. Demnitz states that he later spoke to Mr. Owsky regarding one of his officials being considered indispensable, and, he, furthermore, states that he visited Mr. Owsky in order to speak to him regarding vaccine of the Behring Works, and at that time human experiments were not discussed at all. At the bottom of page 65 he said that the invoices were attached with reference to the typhus vaccine. Then follows the usual certification. On page 67 there is a document which belongs to the document I just read, and it is the letter of the Behring Works addressed to the Hygiene Institute, which is concerned with the telephone conversation, and also the order of typhus vaccine for six hundred persons. At the same time there is a question there as to where this vaccine is to be sent for 30 persons. On page 68 there can be found a letter by the Hygiene Institute where it is asking that this vaccine for this 30 persons to be sent to Berlin to the Hygiene Institute of the Haffner-Str. Pages 69 and 70 are the delivery notes regarding the type of typhus vaccine of the Behring Works. Now I offer document to Mr. Owsky 63 -- the second.

Q. A. Y: May I see the original of that, sir?

A. P. M. D. C: Document 64 is an affidavit made by --

THE PRESIDENT: You refer first to document 63 and now you are referring to 64. You refer in the first instance to document 63, and now you are referring to 64.

A. W. L. M. D. C: I was talking about document 64, I am sorry, Your Honor. Document 64 is to be found on page 102, document book No. 1. This is a file located by a certain Mr. Zahn. It becomes Mr. Owsky's No. 19. It is found also that deals with conference that took place at the Reich Ministry of Interior. The quoted note reads on page 102, and I quote: "Subject: The combat of typhus. The session is presided by Ministerialrat Dr. Isler, who is in charge of the department concerned with the fight against epidemics. Besides the Ministerialrat and Dr. Demnitz/Mariar, and Dr. Owsky/Levenson, the following gentlemen took part in the meeting: Secretariat Dr. Scholz, as first vice of the Inspector General, Secret,

Dr. Handloser --

MR. HANCOY: Your Honor, in this regard, inasmuch as the Tribunal has admitted the other two documents submitted, and this likewise is submitted with a copy made and certified to by the Surgeonmaster, now do I understand it to be the ruling of the Tribunal, whenever a German document is

submitted, when the original or photostat copy thereof can not be obtained, that a typewritten copy certified to by the Surgeonmaster will be admitted in evidence?

THE PRESIDENT: In the affidavit referred to and the letter referred to, the letter mentioned you refer to in the affidavit of Dr. Demnitz is in this document? Where is the original of this document, counsel?

DR. FLEMING: The prosecution had it.

MR. HANCOY: As I understand it counsel for the defendant says that the original of this document is in the possession of the prosecution?

DR. FLEMING: Yes.

THE PRESIDENT: Where is the original of this document, counsel?

MR. FLEMING: The original of that document is to be found with the files of the firm Schirmer at Marburg, and the Surgeonmaster of Marburg certified to the authenticity of the copy.

MR. HANCOY: I may add, Your Honor --

THE PRESIDENT: When was this document first submitted to the prosecution? Did you answer, Mr. Attorney?

MR. HANCOY: The document took itself, Your Honor, the Exhibit, you mean?

THE PRESIDENT: Yes.

MR. HANCOY: I believe we received it yesterday morning prior to Dr. Handloser's dissent. The English translation of the document before the court at this time bears date of 29 November 1941, and so it is Dr. Fleming's date the same date, although I did not carefully scrutinize the original exhibit which shows that it is the 29 November, and it is an apparent discrepancy inasmuch as the hearing took place on 29th November. That is all, Your Honor, the prosecution requests a ruling.

as to whether or not the document by submitting a copy thereof, that a
 typewritten copy will stand as an original to be introduced here into evidence
 in lieu of the original or photostatic copy thereof, if it is certified to
 by the Recorder.

THE PRESIDENT: The court itself is going to understand how counsel for the defense can still procure the originals, or photostatic copies. If the prosecution is in doubt as to the correctness of any certified copy, it would be very simple matter to investigate that from that angle to find out if the matter is incorrect, or not. The Tribunal will be disposed to admit at this time to admit this document subject to subsequent investigation by the Prosecution, if the Prosecution desires to make any examination as to the correctness of the document.

Mr. HOLBY: Then, Your Honor, as I to understand that documents in that form are to be produced in the future. There are several others in that document book, and I do not want to take the time of the Tribunal to object to them.

THE ISSUE: Each document offered under these circumstances constitute a statement of fact, and counsel, if he can show any different circumstance from those appearing in this document has a perfect right to object to the introduction of any such document. It will well be determined that if it appear questionable, that this rule will not be applied.

Mr. NALLY: Of course, before making your ruling, Your Honor, I want to call your attention to the fact that whenever the Prosecution introduced Exhibit 100, which purports to be a captured German document, that we have a rather elaborate system by German affidavits and Weibergall affidavits to authenticate and to authenticate it and one need not to authenticate this document by the certification of the War Minister.

THE PROSECUTOR: Exactly, but the Prosecution has explicit means to its disposal to follow that procedure, while it is easy to see that the defense does not have any such means or opportunity.

Mr. FLEMING: I shall see to it immediately that a photostat of that document is made. I will submit it subsequently. I shall see to it.

immediately that a photostat of this document is obtained, and I shall
do so in the future.

THE PRESIDENT: We understand, counsel.

MR. FLEMING: In this case I shall offer the document marked
64 as Mr. Mursky's Exhibit No. 19. The first part of that document does
not deal with the case that we deal with, but I should like to read
from page 104 of the document, I should like to read the last paragraph,
the last paragraph starting: "On request of Ministerialrat Dr. Lischer,
it is also stipulated, that in a large-scale experiment - agreed upon
by the Robert Koch Institute, and the Hygienist of the SS, Dr. Mursky
both of L's Vaccine, and the vaccine of the Maria Berke shall be in-
cluded."

"In this way it will probably be possible to compare the protective value of the different vaccines in a few months. All persons present are, however, even now aware of the fact, even if the vaccines produced of incubated chicken eggs would be somewhat less effective than the Weigl's vaccines, i.e., for instance, if the Weigl vaccine would offer a 10-80% protection, and the vaccines of the Behring works only approximately 60%, the egg vaccines still could be used in practice since they allowed at least to expect a mild course of the disease."

Witness, the prosecution will now assert that the large scale experiments arranged on 29 December 1941 were the first typhus experiments in Buchenwald. What can you say about that?

A. From this file notation of Director Sahn of the Behring Works it becomes evident that a large scale experiment had been arranged. Ding, for the purpose of his first series of experiments, which started with four vaccines, provided 31 to 35 persons including 10 control persons. Dealing with biology we also reckoned with the threat of accidents and therefore it is a rule that sufficiently large numbers of experiments, animals or human beings, be used in order to exclude the possibility of an accident. Furthermore, there is a rule that in case figures below one hundred, a certain results can be expected; therefore, one automatically arrives at so-called large scale experiments with a high figure of persons.

It appears evident from the file notation that I was thinking of an experiment involving six hundred persons, that is, six hundred persons only treated with that vaccine. Ding only used a third of the minimum figure, namely, 31 to 35 persons and it is clear that the great possibility of an accident then in the case of a large number of persons and if one minimizes that figure of 35 persons, the threat of accident would become so noticeable that a practical result would no longer be possible. When approving such experiments on human beings, generally then the purpose can certainly not be served with a small number of persons involved. In the case of 35 or 31 persons we were certainly not concerned with a large scale

experiment. In addition, it further seems evident in this file notation that in case of this large scale experiment with 600 persons it was plain to see that from the Behring Works vaccine one could only expect delivery as from the 6th of January 1941. It can further be seen from Dr. Dennitz's remarks that I was only expected back from the Ukraine on the 6th of January and considering the long distance it is highly improbable that on the 29th of December, which was one week before, I was still in Berlin. It is very unlikely that I had left sometime earlier; therefore, I obviously was not in Berlin on the 29th of December and so could not participate in that meeting.

Ding started his first series of experiments on 6 January. That means that his order, the order for that experiment, had to come earlier; that then for he yet had to obtain the vaccines. Dr. Bisber, who was in charge of that conference on the 29th of December, was a direct subordinate of Conti and it becomes clearly evident from the file notation of Dr. Zahn that these conferences were called by order of Conti.

It is therefore possible that in this way the problem was brought to Ding's attention and I would even go further, that it is not only probably, it is certain and I shall be in a position to submit the document which originates from that time and clearly proves that the large scale experiment, which was arranged by the Robert Koch Institute with me, had nothing at all to do with what Dr. Ding wanted. It was intended to use those vaccines on German civilians who were active in the typhus work of the East. That can be seen from Dennitz's assurances. I had access to this circle of persons since they were actually vaccinated on my order, that is, before they went to the occupied eastern territory. Then Dr. Wagner was the head of the health department of the eastern district, who carried out the vaccination of the people who were committed in that territory.

Q. In addition to the vaccine intended for 600 persons, that is, the large scale experiments, Dr. Dennitz mentioned a vaccine intended for 25 persons. Was that not for the purpose of experiments at Buchenwald?

A. That is not possible. Ding did not use 30 persons, but 35 or 34. That is to say that the amount of vaccines intended for 30 would not suffice for 35. Moreover, it can be seen from Document No. 62, which was just submitted, that these 30 vaccines could only be delivered or could be expected to be delivered on the 15th of January. They were to be sent to Berlin and not to Puchenwald. If they had been sent away from Warburg on the 15th and if they had to go to Berlin and from there to Puchenwald, they could at the earliest have arrived in Berlin on the 20th of January. Ding, on the other hand, had started to use his vaccines already on the 6th of January. The entry in the diary shows clearly that the vaccinations were started at the period of the 6th of January and continued up to the 1st of February 1942. That does not correspond with the delivery of these thirty portions of vaccine.

Q. And what did you suppose these vaccines were used for?

A. When persons were entrusted with the care of typhus patients, one naturally tried to protect them by vaccination. Now, if these artificially infected people, who have no lice, are not infectious, one must still reckon that their blood contains viruses and therefore could transfer this disease. Since for reasons of treatment injections have to be made through the veins in order to make certain discoveries, the executing persons, the medical personnel, are naturally subject to infection and are therefore being vaccinated. Therefore, it can quite easily be assumed that this vaccine was ordered by Ding for that purpose and was used accordingly.

Q. The defendant just mentioned a document which I now want to submit. This is Document Krugovsky No. 10 and can be found on page 86 of the document book. I ask you to accept it as Exhibit Krugovsky No. 20.

I shall submit a photostat of the original to date with the other documents of the Behring Works, and shall submit it in the near future. This is a letter sent by the Reichsarzt SS and Police, Chief Hygienist, the defendant Dr. Jurewsky sent to the Behring Works, Marburg/Lahn and also to the Polish Health Leader, Dr. Conti, and all the other persons that may be on the address.

Q. Now, Mr. President, that I have the original available here, and I shall then be able to submit it. This letter is a report about the first series of experiments in Buchenwald, which begins: "The tests of 4 vaccine tests by us on human subjects at the instigation of the Reich Health Leader Dr. Conti and the following results:" Then the vaccines are being discussed. The result of the experiments is being discussed, and on page 59 it says, "Immunity against typhus can thus doubtless be obtained by means of a vaccine, produced according to the chicken egg process, which, in its immunization effect, is equal to the vaccine after WEIGL. The effectiveness of protection depends on the method used in producing the vaccine." Witness "Dr. Jurewsky." I will at a later date come back to that document.

A. HENRY: Now it is so, Your Honor, may I inquire as to the whereabouts of the original of this document?

A. SIDNEY: Will counsel for defendant answer the prosecution's question?

DR. JUREWSKY: Where is the original? Here?

A. HENRY: No objection to that your Honor.

Q. You were just saying that Dr. Ding still had to test the vaccine of the Behring Works as to its effectiveness; do you believe that in spite of that he already used it for protective vaccinations?

A. We had no choice but to do that. I can well remember the vaccine situation as it prevailed at that time. The vaccine for the Waffen SS was taken from the central medical depot of the Waffen SS in Berlin. Very small amounts of the vaccine of the Army were at our disposal, but we were always concerned with very small portions that could be issued, and it was difficult

to vaccinate even a circle of ten persons. I was therefore convinced that the vaccine was at that time not at our disposal, and as a result of the animal experiments certain effectiveness of that vaccine could be assumed already. For that reason it was not only used by Ding, but by numerous other persons. However, it was no weapon with which one could expect a victory because its value was not fully recognized. This fact shows once more how very urgent the problem of vaccine was in Germany at that time.

Q. You were just speaking about animal experiments: were animal experiments conducted with the chicken-egg vaccines of the Behring Works?

A. The Behring works belonged to the most well known laboratories in the world in this field. The preparations of that firm are world renowned, and are absolutely reliable. One can therefore assume of these preparations of the Behring Works that before distributing any preparations they were examined very closely. I also know that a number of physicians, bacteriologists, and virus research workers, a large group of laboratory assistants were employed at the Institute for that purpose. In the case of other large firms matters are very similar.

Q. Now, ITC: Before we continue to deal with typhus questions I like to discuss the question of the probative value of the so-called Ding Diary. Does this Diary was submitted by the Prosecution as one of the main pieces of evidence against you.

A. President, the Ding Diary is Prosecution Exhibit No. 287, Documents 80-265. It can be found in Document Book No. 12. It is the eighth document to be found in document book No. 12. Looking at the index. -- Document 80 265.

Q. You have already found out that the conference, of the 29th of December 1941 mentioned in Ding's Diary, did not take place. The correctness of this assertion is confirmed by the file notice submitted by the Prosecution of Ministerialrat Sieber and the affidavits of Dr. Donditz and Zahn. Is anything you have to say about the entry of December 29, 1941; you have the Diary before you?

A. Yes. In this entry a number of entries are to be found which

Buchonwald becomes the "Department for spotted fever and virus research". The head of the department will be SS Sturmbannfuhrer Dr. Ding. During its tenure, the station medical officer of the Waffen SS, Weimer, SS-Hauptsturmfuhrer Hoven will supervise the production of vaccines. The chief of the economic and administrative main office, SS-Obergruppenfuhrer and General of the Waffen SS Pohl, orders the extension of a block of stone buildings.

"SS Sturmbannfuhrer Dr. Ding is appointed at the same time as Chief department head for special missions in AIT XVI (Hygiene), of the Division (Untergruppe) D (Medical Affairs of the Waffen SS) of the SS main headquarters."

Q. Would you please define your position to that document.

A. The former experimental station for typhus was as you have received the name "Department for Typhus and Virus Research". That was written on the 9th of January, 1943. The same title, however, is already used as the title of the entire diary on the first page of that diary.

There it says:

"From 1941 to 1943. Diary for the Department of Typhus and Virus Research of the Hygiene Institute of the 'Waffen-SS.'" Then follows the first entry of December, 1941, and I think it is quite out of the question that Dr. Ding on that day could already prophesy what would come about more than a year later; and as far as position, in this entry of the 9th of January, 1943, Dr. Jeckel is mentioned as Gruppenführer and Lieutenant-General of the 'Waffen-SS'. However, he only was promoted to that rank on the 30th of January. This entry, therefore, cannot have been made on the 9th of January, 1943, and must originate from a later date.

Q. Ding calls himself in the last paragraph of that entry the Chief Department I Head for Special Missions in Department 16. Were there any such "Chief Department I Head" in Department 16?

A. Department 16 was subordinated to me, and I, naturally, knew everything about its organization. There was never any departmental head (Hauptabteilungsleiter) in it. There certainly was not a departmental head for special missions. This does not mean anything to me. The same statement is affirmed in the document book of Mr. Genzken.

DR. FLEMMING: The Tribunal will remember that when submitting the so-called "Ding Diary", I maintained that we are not concerned with a diary of the Block 46 in Buchenwald, but we are concerned with a forgery. In the past I submitted this so-called diary to two writing experts of the police Office in Nurnberg. They gave me no expert opinion which I wanted to submit to the Tribunal as Krugowsky Document No. 8. It can be found on page 75 of the Document book, and I offer it as Krugowsky Exhibit no. 38, b and 76. The expert opinion reads -- the usual introduction, and then the third paragraph reads:

"On 5 February 1947 the undersigned were shown in the Palace of Justice, Nurnberg, Document No. 375, Exhibit No. 267, which are the notes of a certain Dr. Ding.

"It was to be established whether these notes cover a long period of time and if the type script was made with one or several typewriters.

"In the course of a thorough examination the following was established:

1) The paper of 27 leaves of Dr. Ding's notes correspond in color, smoothness, thickness and transparency. It can be assumed with certainty that the same sort of paper was used for all leaves of the notes.

2) The typed script of all notes was made by one machine. Besides the similarity of the size and shape of the types which show repeatedly on each page of the notes.

The following types are discussed here:

"The letter 'i' has an oblateness in the head bend;
"The horizontal stroke on top is missing in the letter 'x'.
The same is the case with the letter 'h'. The right upper part of the horizontal line stroke is missing in the letter

"q". The upper horizontal stroke of the letter "q" is slightly damaged.

"These are individual damaged pages, and owing to their constant appearance throughout the whole report, it can safely be assumed that one and the same machine was used for both copy."

"The machine could not have been fitted with an SS-type because such

a type was never used in the document. The abbreviation signs in question was, to the contrary, made by the mark of "SS".

The Tribunal will probably know the very characteristic SS-type

is not curved but has corners.

"3) Page 1 has a very fine script while the script on pages 2 and 12 shows a saturated dark coloring. We must come to the conclusion that page 1 was written with a different and older ribbon than pages 2 and 12. With regard to pages 2 and 12 it can be established that both in the reproduction of the color as well as in the degree of scaling, the typewriter types correspond. Page 13 again shows a somewhat finer script which also corresponds to the color of page 1. Contrary to that, the pages 14 to 16 show again a saturated coloring as seen on pages 2 to 12. Page 17 shows a fainter coloring than the previous pages 14 to 16. Pages 18 and 19 have an even fainter tint. Pages 20 and 21 again show a stronger tint than the previously mentioned pages which are, however, not so intensively dark as pages 2 to 12. Finally pages 22 and 26 indicate a completely worn out ribbon. The last page, 27, is very similar in color to page 17.

"It is, therefore, established that page 13 was not written at the same time as pages 2 and 12 and 14 and 16. Because of the corresponding degree of scaling of the typewriter types, it can be assumed that pages 2 and 12, and 14 and 16 were written within a short period of time. The degree of scaling of the types of page 13 varies from that of the previous and following pages.

"As it has been established that the types were written by one and the same machine, and as it can not be assumed that a ribbon with a good coloring of pages 2 and 16 was changed for page 13, it must, therefore, be assumed that page 13 was written at a later date and introduced subsequently.

"4) Especially striking is the fact that the color margin of the writing is vertical although there are several signatures by Dr. Ding on various pages which indicate an interruption and a re-insertion of the paper into the typewriter. A re-insertion of the paper usually results in a lateral displacement of the outer margin, even if only of a few millimeters.

"This conclusion proves that the entries for different times were typed during a single insertion into the machine.

5) The fourteen signatures of Dr. Ding on pages 2 and 12 were made in thin light blue ink and correspond basically with regard to the execution of the signature. The appropriate rank of SS-Hauptsturmführer and SS-Sturmabführer have been added by a stamp. On the other hand, the signature on page 13 is written in deep black ink, and the rank SS-Sturmabführer added in writing. On the following pages 14 to 17, the signature has been made again in light blue ink which corresponds to the color of the signatures on pages 2 to 12. On pages 18 and 27 the various signatures have been made in dark blue ink which do not show any essential difference. From page 22 onwards the rank has been left out, while on page 25 the signature of Dr. Schuler was made in part without the addition of the Dr. title. The fact that on page 13 the type of signature and the use of a different ink is completely different from the regular execution of the signatures as on pages 2 and 12 and 14 and 17 also indicates that page 13 was written at a different time."

At a later date I shall submit a photostatic copy of a list of ranks of the SS which will be supplemented to my document book No. 3. From this photostatic copy it can be seen that Dr. Ding was a Sturmabführer on the 9th of November, 1942.

Q Dr. FLEMING:

A Would you please define your position as to that?

I, many places in the diary Ding signs his name with his former rank of Hauptsturmführer although he was already a Sturmabführer. These are the entries made on the 20th and the 30th of November, 1942, and the 4th of January, 1943, which can be found on pages 4, 5 and 6 of document No. 265.

Considering the vanity, the well-known vanity of Ding, it can hardly be assumed that he would consider an event as a promotion which was so important in his life as of so little importance as not to include it in his signature. This fact, too, proves that these entries were made at a

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much later date and that an error was made as to the date when he did
become a Sturmlernführer. This can not be explained in any other way.

THE PRESIDENT: The Tribunal will now be in recess until one-thirty.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing recommenced at 1400 hours 27 March 1947)

THE MARSHAL: The Tribunal is again in session.

MR. HARDY: The Tribunal: It has been called to my attention that the defendant Heven intends to call a witness named Dr. Horn, a Czechoslovakian, as a voluntary witness, and I haven't heard any further reports. The Marshal's intention was to call him tomorrow and I would like to know at this time whether or not they intend to call Dr. Horn tomorrow and interrupt the examination of the defendant, Krugowsky, so that Dr. Horn can return to Czechoslovakia. If so, the Prosecution is perfectly agreeable to such procedure and I want to announce that and find out whether they intend to call him tomorrow.

THE PRESIDENT: The Tribunal has not been advised of any such procedure.

MR. WILSON: Then will I be lead to understand we will not have the witness Horn tomorrow?

THE PRESIDENT: Yes, and if there is any occasion for calling him and it can be done without unduly interrupting the procedure, depending somewhat on how his testimony will be, it might be allowed, but I do not remember any information conveyed to the Tribunal, that such a program was in contemplation. There was a call the other day for the witness Heven out of order.

MR. HARDY: That is correct. I had notification of another one he intended to call and if he intends to call another one tomorrow I would like to have the opportunity of preparing for the witness.

MR. WILSON: I could say that Dr. Gawlik has not progressed so far with preparations as to know whether he can call the witness tomorrow, perhaps will find out this afternoon, but I do not know yet whether or not he will testify tomorrow morning.

THE PRESIDENT: Will counsel for the defendant, Krugowsky, have any objection to interrupting his case for the calling of this witness on behalf of the Prosecution, if it is desired to do so.

MR. WILSON: Since the witness will also testify regarding matters which took place in Buchenwald I will have no objection to that.

MR. HARDY: Thank You.

DIRECT EXAMINATION (continued)

BY DR. FLEMING:

Q. Will you please draw the necessary deductions from what we have now discovered about Ding's diary?

A. The various erroneous entries in this document and the facts which the handwriting experts have discovered prove that this document is not a diary in which entries were made from time to time. Rather there are long periods of time that are missing, sometimes periods of more than one year before the entries were made. Pages 1 to 3, I believe, were written all at the same time, and also the subsequent pages. The document has 27 pages - were written down at only a few times. That is testified to by the handwriting expert's statement. This explains the various discrepancies between the entries and the actual facts; for instance, of calling the Robert Koch Institute a Reich Institute, when it wasn't, etc. The testimony of a prosecution witness Balahowski corroborates this affidavit.

Q. This affidavit is in Document Book 12 as Document 484, Prosecution Exh't 291. Balahowski said, under number 29: "The file notes that were added into the diary shortly before the collapse give the precise number of the pages and the number of the experiments." Now please continue.

A. In these words Balahowski corroborates the fact that this diary, namely, this diary of Block 47, was drawn up shortly before the collapse, apparently on several days, consequently the difference in the typewriters used. Now, as to why he did this I can only conjecture - I do not know. That there was some reason for making the entries in this form would seem to be obvious.

Q. For the explanation why Ding wrote this diary on Block 46 let me refer you to Kogan's testimony, namely, that Ding after 1943 was sure that the war would be lost.

A. Yes, that is true. Kogan testified during his testimony - that Ding from the beginning of 1943 on made efforts to cover himself.

He also said that from that moment on the oral assignments that he received were not sufficient but that he must insist on receiving written orders. All the more remarkable is it then that in the so-called diary, this Document 365, says only very infrequently who initiated the various lines of experimentation. And, if I recall correctly, he does not once say who ordered them.

Q. Then do the contents of this diary meet the requirements that are of a scientist's diary?

A. The diary of a scientist has the purpose of setting down the precise course of the work undertaken. Consequently, all efforts regarding the initiation and course of experiments should be set down. That is a perfectly comprehensible custom in all institutes because subsequently the evaluation of the experiments is based on entries in the scientific institute's diary. In this Document 365, however, which is allegedly such a diary of Block 46, there is not one entry regarding the actual course of the experiments; not even the results of the experiments are set down there. That is really the least that you could ask of such a diary. Dr. Brown, to be sure, thought that the number of fatalities which are set down with clear precision were a result, to be sure, an unhappy result, of these experiments. That these events are found lamentable can hardly be disputed but it is a false point of view if one

himself on the basis of this result toward something, the purpose of which was entirely different. The real experimental result can be seen in the following: As a consequence of the protective vaccination which lessens during a subsequent case of infection is that the period of incubation is prolonged, namely, that period of time that lapses between the actual infection and the first appearance of the disease. Secondly, the period of fever is shortened, whereas usually the period of fever in typhus is 17 days. This protective vaccination reduces it to 12, 10, and even 6 days, depending on the strength of the protective vaccine. At the same time the height of the fever, or temperature, is reduced. In other words, the symptoms that are associated with fever that affect the

blood circulation and the heart, as well as those that effect the central nervous system, are after the protective vaccine less pronounced or altogether absent. There are various other small clinical indications which a doctor readily recognizes as a result of the protective vaccine and it must be said that as the result of less serious clinical manifestations the number of fatalities from typhus is smaller. That is not a direct or indirect consequence of vaccination. Therefore, when Ding asserts in this Block Diary of Block 46 that the most important result of the experiments was the number of fatalities, then every doctor will recognize this as such an erroneous and distorted statement that even if it is on the part of a doctor as reliable as Ding it is completely unworthy of credence.

Q. I now show you Krugowsky Document 9 which is on page 61 to page 66 of the document book and I put it in as Krugowsky Exhibit 23. It is a photo copy of a paper by Dr. Ding on the protective action of various vaccines on human beings and the course of typhus after immunization. I do not wish to read the document but simply bring it to the attention of the Tribunal. Would you care to make any statement whether the inadequate way in which this diary was worked out? Would you like to say that perhaps Ding was not in a position to carry on such work?

A. This paper is 13 pages long. First there is the number of the patient's tolerance for the vaccine, then the individual notes that I just mentioned as the consequences of the protective vaccination are put into tables are presented which give statistics in these matters. On page 66 of the document book there are eight sketches in which there are graphs showing the results and at the very bottom on the next to the last page, in the next to the last paragraph, there are three lines which say that the fatalities in the cases of those vaccinated were fewer in number than among those who were not vaccinated. That is all mentioned in the summary - there is a final summary. This is also an indication that he was perfectly capable of carrying on scientific work. I should like to point out that at the top of this paper it is mentioned that this

— in the same in by institute in Berlin. I know that as an indication that I laid no stress on keeping these matters secret in any way or that it was my point of view that these experimental results/^{which} had been achieved on the most extensive of all material, namely, human beings, should be carried through to conclusion and that results of them should be made available to all those who were interested.

Q. The Prosecution also charges you with the fact Ding infected persons in Buchenwald who had not previously received the protective vaccination. Would you like to make a statement on that subject?

A. The following cases come into question here. On the basis of Ding's diary entries. First of all, there are the so-called "preliminary experiments". In Document 265, four such preparatory experiments are mentioned on unvaccinated persons. These were done in order to ascertain what way was possible in order to artificially infect human beings with typhus. I always found that the lay person who had never concerned himself with these matters was used it to be said that of course that it is always possible to infect a human being with a disease. That, however, is by no means the case. Even in the case of such a toxic material as the typhus germ, successful infection can only occur if it is put directly into the blood stream. Unless another way is chosen it is usually impossible to bring about infection with such a disease. Consequently, when such experiments are to be carried out on human beings, and this is a point of view which I express without any reference to any one person, then such preliminary experiments cannot be dispensed with. The second case are the so-called "control experiments".

Q. Do you know anything of these preliminary experiments?

A. No, I found out about them only through the diary.

Q. Ding says in his diary under the 20th of February, 1942: "Case histories and reports on the preliminary experiments were sent to Berlin." Did you receive this report?

A. No, nor do I believe Ding sent it to me because he was not participating in these experiments and it seems, therefore, more probable to me that he sent them to Graetz. I, at

any rate, I'd not see then.

Q. Now can this be reconciled with your letter of 5 May 1942 to Venti and others which I put in evidence this morning as Document No. 10, Exhibit Brugowsky 20, and which is to be found on page 86 of the document book?

A. This letter corroborates what I have just testified to because the report on this series of experiments was sent to Gravitz and I received King's report to Gravitz from Gravitz with the order to rewrite it in a suitable form since Gravitz did not wish that outside persons could see, without any further trouble to themselves, that these were really experiments on human beings with artificial infection. I know that, to some extent, I could master the style that he used in his official communications, whereas he did not know whether he could or not. Consequently, he commissioned me to rewrite King's original report and, for the purpose of making communications to the manufacturing firms, to cast it in a suitable form. This I did and the result is this document on page 86 of 5 May 1942.

Q. Your letterhead here is Reichsmilitär und Polizei Chief Hygienist. In other words, this is one of the cases in which Gravitz made use of you when you still belonged to the medical staff of the Reich?

A. Yes.

Q. Didn't Gravitz rephrase the letter himself?

A. There may have been two reasons for that. First, Gravitz was a hygienist but an industrialist and since the letter was being sent to specialists; namely, those who manufactured the vaccine, he wanted to be sure that everything would be in the letter which they needed to know and, on the other hand, no more than they needed to know, and secondly, this is quite in line with his customary manner of working; namely, to let

his collaborators write letters that dealt with their particular sphere of work, and for this reason, he considered me to write this letter.

Q. On this occasion did you not also again express objection to Grawitz regarding experiments on human beings?

A. Yes I did not do because this series of experiments had been completed and because I knew that they had been carried out in Grawitz's specific orders. This was the first series of experiments that had ever been carried out and it was the reason for my very violent show-down with Grawitz at that time. I assumed that this job was now completed and I had no reason to raise further objections.

Q. Were the vaccines of the Bohring Works, when Dr. Ding used them in his experiments, in an experimental stage?

A. No, these vaccines had already been tested in the plant before and before for them. All such preparations of the Bohring Works, before they were sent out into the world, were worked on in their own laboratories.

Q. As to the Tribunal Brugowsky Document 24, which is found on page 96 of Document Book 1, did you put it in as Brugowsky Exhibit 24. This is an affidavit by Dr. Gernitz, manager of the Bohring Works, regarding the way in which the vaccines of the Bohring Works were developed and how they were tested in the institute itself. On the fourth page, namely page 99 of the Document Book, No. 5 reads:

"Naturally, the Bohring Works also carried out tests to establish whether the vaccines agreed with human beings for (a) it was necessary to vaccinate those people working in the two laboratories in order to protect them against typhus infection; (b) it was necessary to protect those people who were in contact with the experimental animals, (c) the undersigned himself was on several occasions vaccinated against typhus

with vaccines of the Behring Works. These vaccinations had to be repeated from time to time. This concerned both our Russian assistants. In our typhus department, about 20 to 25 persons were employed."

And Number 6: "The animal experiments according to Otto . . . (a) the harmfulness and (b) the effectiveness or insufficient effectiveness."

Finally, in No. 4 on Page 99, it stated "the question, whether the animals showed a positive reaction, is inconceivable." It stated also that animal experiments were carried out in the Behring Works. I submit this document

proved are were not vaccines which had not been previously proved, but were vaccines which had gone through the necessary preliminary and effective testing. We will remember Kagan's testimony that vaccines were used in the first two series of experiments? This testimony is on page 1182 of the original document on page 1187 of the German record. If we base our assumptions on Ding's diary, what two series of experiments must there have been if in which volunteers were used?

4. If we base our statements on Ding's diary we can only say that the two series were, first of all, the preliminary series A which began on 5 January in the first series of vaccine experiments with 143 persons regarding the matter that was previously read - "Krug vsky" documents - 1185 of 1942 concerns itself. This series began on the next day; namely, on 6 January 1942. Any other experiments took place at a later date. Thus, when Kagan says that two series of experiments were carried out with volunteers, it can only be these two series of experiments.

Q. The experiments about which the letter of 5 May concern itself were carried out on volunteers?

A. Apparently they were.

Q. Can you remember the communication of 11 April 1943, that the latest strain could no longer be used for experiments?

A. No, I don't remember that and I consider it out of the question that I ever received any such communication. In all bacteriology, particularly in virology, there have been efforts for centuries to breed living germs which are no longer pathogenic and do not make human beings sick, in order to use these living germs for the manufacture of vaccine, namely vaccines with living attenuated strains because these are a complete protection against the disease.

Q. In other words, you want to say that if you had received this communication then you would have seen to it that further experiments were not carried out with this no longer so virulent serum?

A. I should not like to put it quite that way but I should certainly have got in touch with the person whose institute had developed this strain, was the Robert Koch Institute, Professor Gildemeister. However, I never spoke to him about this matter and I should like to believe that he found out nothing about this matter because Gildemeister was one of our best virus researchers and was very familiar with what value such a really unique occurrence would have had.

Q. Did you see reports on the C and D series of experiments, regarding the discovery of a safe method of infection, which were said to have taken place on the 11th and 13th of April?

A. No, I found out about them only here, while looking through this document, and also saw that Ding does not assert that he sent a report on this to Berlin.

Q. On what further typhus experiment series did you then see reports?

A. In the diary of Block 46, Document 265, Ding says that only in the case of a few experimental series did he send reports to Berlin, namely of new experimental series, Series I, II, VII and VIII. The report on Series I, II, VII, having received it from Grawitz, and as I said before, I rephrased

it in another form and it constitutes the document here submitted. Series II was carried out with the vaccine of Durant-Giroud of the Parisian Institute. That was the vaccine that we intended to produce in our own institute. I really cannot recall ever having seen this report but it is possible that I was informed of it by Grawitz because I remember that Grawitz one day told me that he was convinced of the effectiveness of this vaccine and had no further objection to my suggestion that we manufacture the vaccine according to that process. The immunization in the course of this series was carried on in Berlin between 19 August till 4 September 1942. From 10 September to 9 October he was in Paris with Professor Giroud, to learn his method, and when he returned he infected persons and sent the charts to Berlin on 20 November. It is probably then, toward the end of the year 1942, that Grawitz spoke to me about this matter.

Q. Ding was ordered to report to Giroud in Paris in the autumn of 1942 although, as far as I know, it was already decided at the end of 1941 to manufacture your own vaccines according to Giroud's process. Now how do you explain this delay?

A. In the infection carried out in Series I on 3 March 1942, Ding infected himself and fell seriously ill of typhus, despite his protective vaccination. Subsequently he went on leave to recover and when his health was somewhat better than the business of going to Paris was discussed, which was only possible in the autumn.

Q. There were a specific fatalities in the control cases. Now you say that Grawitz probably discussed this matter with you. Did you do nothing about the fact that there had been fatalities?

A. When Grawitz spoke to me about this matter I could do nothing because the experiments had already been concluded. But I do remember pretty clearly the situation in his office there. I remember that I brought up the matter of these fatalities and told him that that would probably be the last series that he instigated. He answered that Himmler had ordered these experiments and I myself had specifically objected to being included in the matter, and consequently no longer had any right to interfere in his business.

Q. The report on the typhus experimental series VII was concluded on 7

September 1941 and when finished a report was sent to Berlin on 9 September, according to Ding's Diary. Did you see this report?

A. No.

Q. But according to Ding's work report you were on the 3rd of September, at a time when this series was completed but the report not yet written, you were, according to this diary, in Buchenwald, visiting Ding. Did you do anything about this matter then?

A. This entry is apparently correct. This was the period in which Block 20 was being prepared for the production of the vaccines. Ding writes in one of his documents that on the 10th of August this block was occupied and that work in producing the vaccine was begun. Kogan corroborates that in his testimony. Then 3 weeks after the beginning of this work I went to Buchenwald to look over the laboratory in order to see how his work was getting along. Kogan also described at some length how I inspected the institute, how I went into the very room. It was a rather extensive inspection. I asked many questions, had many conversations with the inmates there; he further testified that I was with Ding in his room for only a very brief period of time, and that is also correct. In other words, at that time he did not see me any material.

Q. Did you know anything else about this experimental series VII?

A. This series was carried out with a vaccine similar to the Behring vaccine, manufactured by a different firm. I know nothing of this experimental series.

Q. I submit to the Tribunal as the next document, Document Mr. Kogan 12. It is in the document book on page 92 and I put it in evidence as previously Exhibit 25. This is an affidavit by Dr. Karl Ludwig Weidner of the Azis Works. The statement reads, after the customary introduction:

"The above person requested the notary to draw up an affidavit and declared and deposed the following in lieu of an oath and after having been duly informed of the meaning of an affidavit:

"1. The production of typhus vaccines based on the culture process began as early as 1961. Later on the prescribed process according to Gildemeister and others was introduced.

"2. Experiments on animals for the purpose of testing the manufactured vaccines were taken up simultaneously with the beginning of the production and were carried out continuously. The results of the animal experiments were not always clear. The vaccine tolerance was tested by protective vaccinations of employees; all employees connected with the typhus department or who came in contact with employees working were vaccinated. Besides, all other employees had the privilege of receiving protective vaccination against typhus on their request and without charge. In the course of time at all times thousands of employees have been vaccinated against typhus."

Numbers 3 and 4 I simply draw to the attention of the court. Number 5 reads:

"5. As far as I know, there was no direct influence between the firm of Acid Serum Institute G.m.b.H., Dessau, on the one hand, and the former Typhus Institute of the SS or the Institute for Typhus and Virus Research at Buchenwald or its chief, Dr. Ding, or the Dr. Wita Lewney, on the other hand.

"6. I have the acquaintance of Dr. Ding during a trip from Berlin to Garmisch.

"7. How the test of the typhus vaccines in question was carried out I do not say. In any case, as far as

I know, I never discussed the question with Prof.

Mrugowsky, nor did I forward the vaccines to him for the purpose of testing. It is quite possible that the vaccines reached Dr. Ding through Prof. Gildemeister of the Robert Institute in Berlin, who received them in his capacity as expert consultant of the Ministry for the Interior for the fight against epidemics.

"8. During a discussion with Prof. Mrugowsky in the Hygiene Institute of the Kaiser SS in Berlin, I talked only about general questions of hygiene with regard to the occupied eastern territories and I asked for assistance in the work of developing the serum Institute at Kiev. At the same time the organization of disinfecting by the Asia Bury Institute Koenigsberg was discussed. There also may have been a discussion of general questions in connection with active immunization, especially against cholera, typhoid, diphtheria and tetanus."

Then there is the usual conclusion and so forth.

A. ALL THIS:

Q. It can be seen from this that the vaccines for this disease did not go directly from Ding; is that true?

A. Yes.

Q. According to Dr. Ding's work report, which is Document 1-571, Exhibit 385, you were present with him on the 3rd of September in Bucharest. Did you visit Block 28?

A. Yes. Ding asked me to be invited to take a look at Block 28. I went over there with him; and I remember with all that I was led to a stone building, on the lower floor of a stone building, where there

was a number of room-like partitions.

In the first row, there were four men who were giving cards; and Ding told us that these were typhus convalescents who had survived typhus and who were to be released. We looked at them and found out that their state of health was such that the usual after-effects of typhus were no longer in evidence. There were about five or six persons.

In the second row I saw about three patients lying in bed. I examined them and spoke to them. They had been transferred to Buchenwald a short time before from other camps. I saw some of the ones who arrived and the others who fell ill shortly after their arrival in Buchenwald and then were transferred to their typhus station. They were crowded with typhus and consequently fell ill. According to Ding's story there were no series of experiments carried on at that time.

Q. When visiting Buchenwald, didn't you talk to Dr. Ding about his various series of typhus experiments?

A. Yes. At that time he had completed the experimental series under 7 with mild vaccines -- I can see from this journal. This was a series which he was a member of. He talked about its result. It is in line with Ding's statement that he did not do such a series of experiments since he knew what his attitude was towards this question.

Q. Didn't you discuss the typhus experiments with Ding on the occasion of your visit?

A. No, he didn't discuss this with me. He was very reticent with the work carried on at Block 50 with the production of vaccines, which was the purpose of the visit. I think.

that we discussed a number of other hygienic questions as they concerned the vicinity of Buchenwald. I am that I lack a factor there from my previous activity; and I am sure that this was a subject that was discussed. I spent the evening with Ding in his flat where I met Dr. Hoven, the camp physician of Buchenwald, and his wife. Mrs. Ding was there, too. It is a matter of course that we didn't discuss any technical questions in that circle. We certainly did not speak about my experiments on human beings.

In this connection I may perhaps say that this was the first time that I saw Hoven, who allegedly was to have been Ding's representative. That was ten days before Hoven had to end his activity as a camp physician in Buchenwald.

Q. Were you of the opinion that the typhus experiments had been concluded?

A. Yes. I held that opinion since it became evident from the documents here that the experimental series of that time had not led to any disease. That is because the strain coming from the Robert Koch Institute was not pathogenic. Ding did not say that he sent my reports to Berlin about it; so I therefore did not know anything about the way he worked in Buchenwald or if it did not concern Block 50. I am of the opinion that after the second series of experiments which was concluded at the end of 1942 no further experiments were planned.

Q. Well, if you believed that the typhus experiments had been concluded, the main activity of Dr. Ding would be to reach a conclusion?

A. No, that is not the case. Soon from a point of

view, he was a bacteriologist; and I was anxiously awaiting the end of this special mission by Grütz so that Ding would again be fully at my disposal. At that time, in the year of 1943, he had to carry out the preparations for the vaccine production at Buchenwald. Therefore, the building work had to be supervised. Block 59 was a very richly furnished bacteriological institute with a number of special pieces of equipment. Animals had to be obtained and accommodations gotten ready for them. It was not only one kind of animal but four different ones. It was necessary to obtain food for them. Then a number of other organizational activities were necessary, which made Kiege's stay in Buchenwald absolutely necessary.

Q. Ding maintains that he sent the report about the series Number 8 of the typhus experiments. Did you see that in Berlin? It was to have been sent on the 23rd of June 1944.

A. Well, I heard about this series of experiments only by looking at the document here. I hadn't seen or heard of it before.

Q. In the last entry of Block 59 Ding says: "By order of the Chief Hygienist of the Waffen SS, dated the 10th of August 1944, it was to be established whether the typhus illness can be mitigated by typhus vaccine through intravenous or intramuscular injections." Did you ever issue such an order?

A. No. I repeatedly pointed out that on the basis of the entire organizational set-up of the Medical Institute of the Waffen SS I could not be the leading Hygienist of the Waffen SS, with the title of Chief Hygienist. I stated that I was therefore not in a position to order any experiments to be carried out on

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inmates because I had just as little influence on the medical service of the concentration camp as any other member of the Waffen SS. The matter with which we dealt was completely different. In the Crimea in one of the hospitals in the East I saw that the internist there was treating typhoid illnesses by injections of dead typhoid vaccines; and this procedure resulted in the seizure by fever in many of the cases. At that time I remembered that it became apparent from literature dating back from the 1st World War when a number of papers were written on the very same subject that there were similar treatments regarding typhus and typhoid carried out by the injection of vaccines.

During the course of those years when I had to deal closely with typhus I had developed a very definite opinion about the origin and development of typhus. I was, therefore, of the opinion that in the case of this illness, which clinically is very close to para-typhus, it would be quite feasible to make an experiment with that kind of treatment. The clinical symptoms of typhus and typhoid and stomach typhus are very similar. If cure can be achieved with one method, it is to be assumed that all other types of illnesses of that nature could also be treated with success using that method. After my return, therefore, I established contact with a number of internists belonging to the hospitals which I knew, and wrote them that I had gathered like experiences. I quoted passages from literature on that subject, and I said that our new experiences were the same as our old. I made the suggestion that the same method be used in the case of typhus by injecting with a protective typhus vaccine. One might consider that at the time we had just as little means of combatting the so-called disease as today. We, therefore, were medically justified to search for new methods of treatment.

Q Were these to be a series of experiments in the sense in which they were carried then out?

A That is completely out of the question. There was no cause to do that whatsoever. In order to combat such an experiment, one could use in typhus inflicted person a test by this method and the answer that can happen is that it would not help, but certainly would not be necessary to make a certain series of experiments, and I certainly never used any such order.

Q Did you write to Ding in that sense?

A At that time I informed my assistants about this therapy in the case of contagious diseases, and I am sure that it was a matter of course that as epidemic specialists we had to be informed about such a possibility and in this manner also receiving knowledge of it.

Q You were saying that there would have been or would not have been justification for the experimental therapy?

A No.

Q Well, did you or did you not order such a series of experiments?
Dr. Ding?

A Never at no time.

Q Are you of the opinion that Ding started these experiments on his own initiative?

A That is possible. At any rate he did not receive orders from me, I don't know where else he could have had an order from.

Q That brings me to another point. You were saying before that in the case of experiments which were carried out on human beings by order of the State, which persons that the State placed at the disposal of these experiments the State must be held responsible; whoever carried out such experiments is only responsible for the manner of the execution of these experiments; accordingly, Dr Ding would have to be held responsible for the manner in which these typhus experiments were conducted; I, therefore, want to examine these two questions with you: First, did Dr. Ding carry out these experiments for which he in any way could be held to blame; second did you have to assume any responsibility for the experiments which Ding did carry out. First, did Ding carry out these experiments in an orderly manner?

A I already emphasized when discussing the experimental series No. 1 that Ding only used thirty persons for their therapy, and later that he decreased that number. If one agrees to such experiments, generally, one certainly should not use this small amount of experimental subject, if one expects any results to be achieved. Ding only examined fresh vaccines for a single time, and he did not examine them any more frequently than that. The only exception was Edin's vaccine, which was used three times. In this case there one can not speak of an examination which certainly would not have been necessary, since its effectiveness was already known. The effectiveness of other vaccines, which were unknown so far would have to be compared to the effectiveness of that vaccine. I don't believe, therefore, that one could in any way reprimand Ding for the manner in which he was carrying out these experiments, if one agrees to such experiments, generally.

Q How was the clinical treatment of the experimental subject carried out?

A The documents of the Prosecution already contain a number of statements with reference to the clinical treatment on experimental subject. Kogon and Malachowsky did not object. Kirchheimer when testifying has stated that he was employed for the specific purpose to carry out hydro-therapeutic measures. In one of Bing's reports about his ergedone experiment, which is Prosecution's Document No. 582, and Exhibit No. of the Prosecution Book states in great detail what the manner of the blood circulation treatment was. He described the various drugs which he introduced into the patient, which manner he did it, and with reference to that point I had a question to one of our most famous internists, and in the document, which I am now going to submit anyway, from the point of view of the internal medicine, there can be no objection raised against that type of treatment.

DR. FLATOW: In this connection, Your Honor, I submit Document Krugowsky No. 23. This can be found in the Document Book No. 1-A, on page 161. I offer it as Krugowsky's Exhibit No. 26. This is an affidavit of a former SS judge, Dr. Conrad Hermann. I'll repeat, page 161, Document No. 26. Dr. Hermann, after the customary introduction, says, and I quote: "In connection with my activity as SS judge I established the following in the concentration camp Buchenwald:

In the fight between the so-called brown and reds, that is, between the criminal and political prisoners, the strong suspicion was raised that the parties frequently instigated and achieved that hated opponents were put on the lists of persons selected for the typical experiments in order to have them exterminated under the cover of the experiments.

As a result of my remonstrations the German Criminal Police Bureau in October 1943 made these proceedings impossible. It was decided that from then on the selection should be made directly by the German Criminal Police Bureau. The selection was to be made by Kriminalrat Otto. He selected the experimental persons from the heavy criminals of the camp Buchenwald, and then went to Buchenwald himself. There he inquired at the camp commandant

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office about the selected heavy criminals. He also conferred with the individuals selected in order to test them. By adopting this method it was made impossible for the greens or reds to continue their practice to put hated persons on the lists of the persons selected for the experiments in order to exterminate these persons by using the experiments as a cover."

later, which indicates a very subjective point of view on the part of Dr. Salichowsky and lack of any objective judgment. From a human point of view I will understand his statements, because he is speaking as an inmate, I look at the matter from the perspective of an inmate. I actually was a prisoner of war for a number of years and I know how distorted any such a statement is.

Q Then examining the question whether Dr. Ding in any way failed in the manner in which he conducted his experimental series, it is necessary to ascertain whether the control persons were necessary which he infected in the course of his series; you know in the case of Dr. Ding's typhus experiments he infected a number of persons who did not receive any protective vaccine and in the case of therapy experiments a number of persons were not treated with the drug, which was the subject of the examination. These were the so-called control persons; was that necessary?

A In biological experimental science such a control is needed and is necessary in the case of all experiments. They are necessary, contrary to physical or chemical experiments. The factors in biology are much more complicated. If I want to examine one of these factors in biology, it is necessary for me to have some material where this factor is present in order to compare the other factor and it is only then that I can come to any conclusion as to the results. Whenever there is necessity for experiments on human beings, which are biological experiments, this is a very logical conclusion which is necessarily used or derived; namely that controls cannot be dispensed with.

Applying this to Ding's experiments, we may state that in experiments 3, 4, 5 and 6 he used persons with carbuncles, mentholene, strychnine granulate, and resorcinol. I asked on the case of the control persons that in the Russian typhus strains which were used were not pathogenic. If any such control persons had been used, this failure of appearance of a disease, after the infection, now did have arrived at the conclusion that this was not due to the therapeutic drug, but merely the strain had failed. In that case a completely false conclusion would have been reached. It can be seen therefore that controls have really a practical

valued.

Q Did Dr. Ding limit his control persons as was humanly possible?

A Generally yes, he kept them as low as possible. For instance, in the case of the first series of experiments when he used 145 persons, only 10 were used as controls.

Q Did he also try to combine experimental series in order to save control persons?

A That is correct. He tried to start a number of experimental series simultaneously in order to use the same control persons for all of them; that was possible because the strain for both series was the same.

Q Then it is your opinion that Dr. Ding, when carrying out his experiments, acted according to scientific principles, that he cannot be reprimanded for the manner in which he executed these experiments.

A In my opinion he cannot be so accused as the manner in which he carried out the experiments with which he had been entrusted. I don't believe that any violations against the so-called experimental science took place. I am always assuming the prerequisite that such experiments are permissible.

Q Now turn to the agrodin and ruthenol experiments. During your pre-trial interrogation in 25 July 1946 you answered the questions No. 15 by Dr. Barry, namely whether you ever did anything which was against your medical conscience and you mentioned a typhus experimental series.

Q ruthenol; would you please state your views on that?

A When I was interrogated at that time I could only very vaguely remember this series of experiments. On the other hand, I remember it very well that no such experimental series was started with agrodin and ruthenol. Furthermore, I was in a position to recall the conversation with Grawitz, however, it was all very vague in my mind, but my memory had been refreshed only a short time before by a newspaper clipping being shown to me, which contained a clipping from the London Times in which the

reports about human experiments in Buchenwald by a French scientist. I think the French scientist who wrote that report was Dr.

Q He mentioned an experimental subject with ruthenol and agrodin

and said that 53% to 56% of fatalities had occurred. I think these were the figures that he used. It was under this impression that I gave my answer during that interrogation and it was my opinion at that time that I had something to do with that series of experiments.

The interrogation took place in Nurnberg, and when I was afterwards referred to a camp, I had an opportunity to think about my statements and doubts began to arise in my mind, and shortly before the beginning of the trial, I was in a position to look at the documents, I found a paper of Ding regarding ruthenol and agrolin experiments. This is Prosecution Document 58a.

Q That is Exhibit 286.

A Then the entire situation once more became very clear in my mind, and the investigation which we made now has helped to clear this matter even further. According to my present knowledge, therefore, in referring to the material available to me from the I. G. Farben Industry at Hoechst and this paper by Ding, I can say that my statements made at that time were not correct, it was a deception of my memory.

Q I must interject here that I shall submit the material received from the I. G. Farben Industry at Hoechst at a later date in the form of supplemental volume, at the moment it is not ready to be submitted.

Could you please continue; did you speak to Dr. Grawitz at this time in the agrolin matter?

.. Yes. This is how the matter originated, and the document that was announced by Defense Counsel will prove it in detail. On the 10th of September 1942, two gentlemen came to me from the Berlin Bureau of I. G. Farben and the Behring works. We discussed various serum and vaccine questions, and in that connection typhus questions came up for discussion, and generally we had spoken about other vaccines. On that one of these gentlemen, Dr. Weber, said that the I. G. Farben in Hoechst had produced a new drug which they wanted to have examined on sick persons. They asked me whether I had any patients that I was treating and whether I would agree to using that preparation. I said that I would because I was naturally very much interested in that question. At that time, however, I planned an official trip, and I, therefore, acquainted these gentlemen with one of my co-workers, Dr. Lotka, and then gave him the necessary directives as to what was to happen to the preparation which we expected to arrive within the next few days.

DR. FELDING: May I interject here? Dr. Lotka was approved to me as a witness and will at a later date be examined.

We then used this preparation in various hospitals on sick soldiers but without any clinical result being achieved. However, there was a difficulty connected with it since the preparation did not agree very favorably with the patient.

In the beginning of August 1943, that is, one year after our first conversation, a second discussion took place on the occasion of which I was asked what my experiences with that drug had been. I communicated my experiences to them, and they then decided that they had improved that drug which made it more tractable and told me that they would deliver it to me in a granulated form, which is a coarse powder form.

Q Did you speak to Grawitz about these ratherol matters?

A I discussed that with Grawitz, and I told him that this was a new preparation for the combatting of typhus, but unfortunately its tolerance was not very good. He then said that that was a very important matter and told me that "We are doing everything in order to get clarity as to whether this drug can be used or not." I said that the unfavorable tolerance of that drug prohibited us from applying it on patients since it would have no success.

On the basis of documents which I have yet to submit to the Tribunal, the conversations with the gentlemen of the I. G. Farben Industry took place on the 10th of September 1942 and on the 19th of February, 1943. Do you now remember these conversations on the basis of the material which is available to you, and would you please speak about that?

A Well, I already said -- yes, that is all taken care of.

Q Did you put this drug at the disposal of Dr. Ding in granulated form?

A I neither furnished him with that drug in its original form nor in the granulated form. The first series of experiments by Ding started on the 10th of January 1943. However, the drug was only discussed on the 19th of February.

As a result of that conversation I just mentioned, the contingent left Marburg on the 19th of February, whereas on the 20th of February the series of experiments by Ding had already been finished. Therefore, the preparation could not have been finished by me since I only received it after the series of experiments had been concluded. I neither gave him the drug in a granulated form, but I think that I sent it to Prague and Berlin in order to have it used on patients of the SS hospital.

The experimental series of Ding's only started on the 31st of March 1943. On the basis of the documents from I. G. Farben it becomes evident that Dr. Ding had asked for ten bottles of in days before. This would not have been necessary if I had already given it to him, for I received the granulate at the beginning of February but for a different use.

Q According to the entries in Ding's diary, a third series of experiments with and ruthenol was carried out on the 1st of April until the 4th of June 1943. Did you indicate that series of experiments?

A No, I did not. I only found out about it after looking through Ding's paper which he wrote about it, and which has been submitted here as a document. Well, I, Father --

Q This document, but through looking at the paper.

Q The publication of Dr. Ding about his experience with and ruthenol which were submitted by the "Progeon" Document NO-391, Exhibit 284, mentioned the work of . and used the same preparation. Those two persons maintained that they had good experience with that preparation.

Q How do you explain the difference?

A This is a typical example of how dangerous it is if one only reports on results of very few cases. If I have ten persons, it is quite likely that I have success in the case of two persons. In spite of that the drug would be wrong because it failed in the case of eight persons. If, on the other hand, I only used two persons, accident may lead it that one of these two persons the drug is effective whereas in the case of the next one hundred twenty or one hundred no result will be achieved. Therefore, in my opinion, this drug has no value whatsoever.

Q It is your opinion today that your testimony during

the pre-trial interrogation of the 25th of July 1946, had been incorrect?

A Yes. The document from the I. G. Farben Industry proved that I was mistaken at that time and that I was mistaken to my disadvantage.

DR. FLEMMING: The next document I want to offer --

THE PRESIDENT: It is time for our recess. I desire to state in regard to the conversation between Counsel and the Court concerning a witness who was to be called this week in present that an order was signed to call the witness and the Court advised that the witness would be heard if he appeared this week. I had not been advised whether or not the witness was available, and had come to Nurnberg, and I had forgotten that that witness was called by the Defendant Haven, but that is the fact. If the witness is available tomorrow, the witness will be heard and put upon the stand, but I do not know whether or not the witness is here and will be available tomorrow.

DR. FLEMMING: Mr. President, are you speaking of the witness that was discussed by the Prosecution and me?

THE PRESIDENT: Yes.

DR. FLEMMING: Or are you --

DR. GONLIK: Mr. President, I ask to have permission to call the witness, Horn, on Monday. The witness Horn told me that he was exhausted as a result of his journey and he had dealt with a number of formalities here. I, therefore, had not any opportunity as yet to speak to the witness.

THE PRESIDENT: Well, now, Counsel, what is the name of the witness that you mentioned?

DR. GONLIK: Dr. Horn.

THE PRESIDENT: As I remember it, the witness who was summoned by the Tribunal was Dietach.

SA. GAWLIK: The witness, Dietsch, was called by my colleague, Dr. Fleming.

DR. FLEMING: Dietsch is the former Capo of Block 46, and I asked for him. Up to this point I have received no information telling me that the witness has arrived. The witness, however, that the Prosecution talked about at the beginning of the session was not Dietsch, but it was the witness, Dr. Horn, about whom Dr. Gawlik was just speaking. This Dr. Horn has already arrived here, but Dietsch has not arrived as yet.

MR. HARRY: May it please Your Honor, the substance and substance of my request earlier in the day is simply this: Dr. Horn I assumed was to return immediately to Czechoslovakia because of his business or some other such reason, and if they want Dr. Horn to take the stand on Friday, that is tomorrow, after direct examination of Krajewsky or in between time, I am perfectly agreeable. However, if I start cross-examination of Krajewsky on Friday afternoon -- and I am sure it will run into Monday -- I do not wish to be interrupted in the middle of the cross-examination this time in the manner that I was the last time. Of course, if the Tribunal rules that I may be interrupted -- but I will not agree to be interrupted, and if Horn is here and they want to put him on the stand -- Defense Counsel has had all day today to talk to him -- I don't see why he couldn't take the stand tomorrow and return to wherever he has to go.

THE PRESIDENT: I would ask Counsel for Defendant Hoven if the witness Horn can be used sometime tomorrow prior to the beginning of the cross-examination of the Defendant, Krajewsky.

MR. HARRY: In addition to that, Your Honor, the Delegate of the Czechoslovakian Legation just tells me that Dr. Horn has specifically requested to depart from here on Saturday.

SA. GAWLIK: Mr. President, I am not going to interrupt

cross-examination of the Prosecuting Attorney. With agreement of the Tribunal and the Prosecution, I shall either call the witness, Korn, before the cross-examination or after the cross-examination.

DR. FLEMING: Mr. President, in that connection I may say that the direct examination will probably take up all of Friday.

THE PRESIDENT: When Counsel for the Prosecution advises all present, all concerned, that the witness is requested to return to Czechoslovakia Saturday. I understand Counsel for Defendant are away to state that he was willing that his examination should be interrupted tomorrow for the hearing of this witness.

DR. GAWLIK: Mr. President, I spoke to the witness this morning, and according to what the witness told me, it is not absolutely necessary for him to return on Saturday. It would be all right, he said, to return on Monday, but, at any rate, I shall either examine him before the cross-examination or after the cross-examination.

THE PRESIDENT: Very well. Very well. Well, now, just at present. Yesterday Counsel for Defendant were away and several exhibits identified that were not offered in evidence. They received numbers. I would suggest that at the opening of tomorrow's session those exhibits be formally offered because the Tribunal now has available the supplementary document book, and can note their entries as exhibits upon that book.

The Tribunal will now be in recess until nine-thirty of tomorrow morning.

(The Tribunal adjourned until 0930 hours, 28 March 1947.)

Official Transcript of the American Military Tribunal I in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 28 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court room.

THE PRESIDENT: Mr. Marshal, you have ascertained that all of the defendants are present in Court?

THE MARSHAL: May it please your Honor, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court.

Counsel may proceed with the examination of the witness KRUGOWSKY.

JOACHIM KRUGOWSKY - Resumed

(Direct Examination - Continued)

DR. FLEMING: (Counsel for the defendant Krugowsky)

Mr. President, yesterday at the end of the session you ruled that I submit an index of the documents which I have read but which I hadn't yet submitted because they are in the supplemental document book and give them exhibit numbers. I should like to offer Krugowsky Document 4-a, which is to be found in the supplemental document book, I, page 76. It is an excerpt from the Reich Law Gazette of the year 1917, regarding treatment of viruses. I offer this as Krugowsky Exhibit No. 37. That is document Krugowsky 4-a.

THE PRESIDENT: Just a moment, counsel. Will you please repeat that offer?

DR. FLEMING: It is document Krugowsky 4-a. The Tribunal

has not as yet available the supplemental volume, and it hasn't been translated yet. It is document Krugowsky 4a in supplemental volume I, page 76. I offer it as exhibit Krugowsky No. 27.

MR. HARDY: May it please your Honor. This is extremely confusing for me, as I have three Krugowsky document books now: Document books 1-, 1-a and 2; and now he speaks of a supplemental volume which doesn't include the documents in the index, and I wonder if he could clear that up.

THE PRESIDENT: The Tribunal has only two English documents books of Krugowsky so far.

DR. FLEMING: The Tribunal has so far 1 and 1-a, Document Volume 2 has not yet been translated. After it was completed, I yet received a number of other documents.

THE PRESIDENT: We cannot proceed with these documents which are in supplemental book No. 2. There were several offered and marked as exhibits which were to be included in Krugowsky document book 1-a, which we now have, and I thought in so far as those documents were concerned they could now be properly admitted in evidence.

DR. FLEMING: Yes, I beg your pardon. I misunderstood the Tribunal. I offer Krugowsky 2, which is to be found on page 153 of the document book 1-a. This is an excerpt from the Reich Legal Gazette of 1900, to be found at page 396, and concerns the duty of reporting so-called especially dangerous diseases, such as leprosy, cholera, typhus, yellow fever and small pox. I offer it as Krugowsky Exhibit No. 28. Again, Krugowsky No. 2., on page 153 ---

MR. HARDY: Your Honors, I am sure Dr. Fleming misunderstood this Tribunal. This seems to be an entirely new offer that has never been referred to. I think he is now proceeding to put in all of his documentary evidence.

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DR. FLEMING: The document was mentioned yesterday when Arugowsky said in case of dangerous diseases the SS hospital treatment was considered to be a front line duty.

THE PRESIDENT: Counsel is correct.

MR. HANEY: I have never marked it in my book as being offered before, your honor, and I understood you to mean documents he has offered before.

THE PRESIDENT: As I remember the matter, counsel stated for some reason this document was not ready to be offered, but if counsel for the Prosecution has any objection to the document being offered at this time it will be delayed, and if counsel has no objection we will proceed. That is Arugowsky document No. 21?

DR. FLEMING: I offer document Arugowsky No. 21 in connection with the testimony of the defendant Arugowsky that treatment of dangerous diseases within the SS was considered to be a front line duty. I wasn't in a position to identify that document yesterday, because the English translation was not yet available. The English translation only arrived during the session yesterday. For the same reason I didn't identify either two documents yesterday, the first is Arugowsky document 19 which is on page 154. This is an excerpt from a paper of the defendant Arugowsky from the Medical Clinic Periodical on typhoid type I and abnormal courses of the disease of typhus. The defendant Arugowsky mentioned this paper when asked the question whether typhus was extremely prevalent in Germany. He stated in that connection that, for instance, in Naples, the American Commission had found cases where human beings, after falling ill of typhus, fell down in the streets. Similar cases were described in his paper and I am now submitting as Exhibit Arugowsky No. 29, document Arugowsky 19, on page 154, which will become exhibit No. 29. In

that connection I should like to ask the defendant:

BY MR. FLEMING:

Q Witness, can you state under your oath that the cases which you mentioned in your paper were actually happening in the manner in which you recorded them?

A The observations which led me to this paper were made in the year 1941, that is during the first time when typhus ever came up in Germany. They are not based on observations in concentration camps but on observations with the army and civilian populations of the occupied Eastern territories. In that connection, cases were observed where within a space of two days persons who without a virus retained their consciousness.

Q This paper was published in the Medical Clinic Periodical which appeared on 27 February, 1942? When did this paper have to be submitted by you in order to appear on the 27th of February 1942?

A The manuscript for any such publication would have to be submitted about three months before its publication in a weekly paper to the publishing house. There would have to be corrections made, et cetera, and it is certain that this paper was finished at the end of 1941 and then submitted to the editor's office.

Q That was at a time when the human experiments in Buchenwald had not yet started?

A Yes, that is right. That has nothing whatsoever to do with these experiments.

MR. FLEMING: As the list of the documents to be submitted yet, I offer Document No. 68, which is to be found on page 171 of Document Book 1. Again No. 68, on page 171 - this is one of the documents originating from Marburg ---

THE PRESIDENT: The Court, counsel.

MR. FLEMING: On page 71, Mr. President, Document Brudowski

No. 63, page 71. This is one of the documents which I received from Warburg, and for which, according to the ruling of the Tribunal, I shall submit photostats of the original with certification of its authenticity. This is a file notation which was made by Dr. Benoit, who was mentioned repeatedly yesterday, the head of the Bauring works in Warburg, about the conference of the 29th of December 1941. On the last page, page 4 of the document, this is page 74 of the document book, it is stated:

"A plan of experiments was discussed with Dr. Aronowsky; Seigel's vaccine and the vaccine of the Robert Koch Institute were included in this plan. When we looked that the vaccine of the Bauring works should also be included in this test, Professor Gildensister remarked that he was not interested in them. In the course of later discussions he probably realized that this peculiar point of view - for it was regarded as such by all participants - could not be maintained and he advised us to get in touch with Dr. Aronowsky himself, so that this vaccine was, at last, included in the test. Regarding this it was intended to have the vaccine ready in its present form and in the double concentration for these experiments and to inform Dr. Aronowsky on 6 January after his return from Moscow."

This is a confirmation of something I already proved yesterday by other documents. I offer that as Aronowsky Exhibit No. 20. As I said before, I shall later submit photostatic copies of the original.

THE PRESIDENT: One moment, counsel. Counsel, I think you did not understand me. On the first day of the opening of the case of the defendant, Aronowsky, as I remember, you offered three documents in evidence. At that time Document Book 154 had not been prepared, and the documents were not av-

available in the English translation. Nevertheless, exhibit numbers were assigned to these documents, and those documents were the only ones to which I referred. I was not endeavoring to interfere with the orderly trial of your case as you desire to conduct it, but it did occur to me that it would be a good idea to have those documents to which exhibit numbers had been assigned, definitely marked in our books as exhibits received, and those were the only documents to which I referred.

DR. FLEMING: In that case I misunderstood the Tribunal. Using the index I may perhaps compare the documents and the exhibit numbers once more.

THE PRESIDENT: I think it is not necessary to do that now. You may take the time and find those three documents later and submit them later on in the day, so that we can regularly mark them.

DR. MADDY: I did not submit, your Honor, that two of the documents you are referring to, one is exhibit 17 on page 159, and exhibit 6, page 167, and the two he had referred to before. We received the document book 1-A, that will be page 159, that is No. 17, and that is page 167, which is No. 6.

THE PRESIDENT: I do not believe that has been given an exhibit number, has it, Dr. Maddy?

DR. MADDY: Yes, I have it marked as Exhibit No. 6, Your Honor. Now these are the only ones that I have as they haven't been introduced before.

THE PRESIDENT: Will you please give the document number of Mrs. Wasky No. 6.

DR. MADDY: That is document Mrs. Wasky No. 26, Exhibit No. 6, which is an affidavit of Dr. Carl Blumreuther on page 167 of the document book 1-A.

DR. FLEMING: Now Dr. Wasky No. 43 on page 154 -

THE PRESIDENT: Mrs. Wasky document No. 26?

DR. FLEMING: No. 28 is Exhibit 6. That is on page 167.

MR. HARDY: Does the Court also have Mrs. Pinsky document
33 marked exhibit 26? I think that takes care of all the
documents which have been introduced today in document book
1-A.

JUDGE SPRING: That page is that one.

MR. HARDY: That would be on page 161, Your Honor.

THE PRESIDENT: The matter is possibly completed and
counsel may proceed with the examination.

Q The defendant was answering the question yesterday at the close of the session whether he remembered his testimony on the 25 July 1946 on the occasion of his preliminary interrogation about Rutenol and Acridin experiments, and whether he was in error at that time. The witness stated that he actually made a mistake on the occasion of that preliminary interrogation, and on the basis of documents presented and those he had obtained in the meantime he again remembers correctly the facts. In this connection I should like to submit a number of documents. The first will be Mrugowsky document No. 24, on page 128, of Document Book I-a. This document Mrugowsky 24 on page 128. I offer it as Exhibit Mrugowsky No. 31. This is an affidavit of Professor Bieling at Marburg. After the customary introduction he states:

"During a visit at the office of Herr Mrugowsky, Dr. Ding told me that he had received Mitroacridin drugs from the dye works in Hoechst, in order to test their effect on persons ill with typhus and that the results which he had achieved were unsatisfactory. I reported that afterwards in Hoechst. As far as I remember, however, Herr Mrugowsky was not present at this conversation with Dr. Ding."

As the next document I offer Document Mrugowsky 43 which is to be found on page 129 of the same document book. I repeat Document 43 on page 129. This will become Exhibit Mrugowsky No. 32. This is an affidavit of one Heinrich Neumann, who is a member of the Dye Works at Hoechst. He states in his affidavit, after the customary introduction, and I quote:

"I know Dr. Mrugowsky, the former Hygienist of the Waffen-SS. His defense counsel submitted the question to me, whether I ever discussed with Dr. Mrugowsky therapeutical experiments with the drugs Acridin, Methylene blue or Rutenol which were to be carried out on persons sick with typhus."

"In this connection I state the following:

"1. The drugs Acridin and Methylene blue Rutenol, - I do not know Rutenol, - are being produced by the works, F. Hoechst. The sale was effected by Bayer-Leverkusen. The scientific handling of these drugs was made by the Production department, by the scientists of the firm Bayer in Leverkusen and by the scientists of the Berlin-office of the firm Bayer."

"2. I myself was only deputy to the commercial manager of the department Behring works at Leverkusen and only handled commercial affairs.

"3. As the department Bayer and Behring works were completely separated from one another, I had never anything to do with these drugs and therefore could never conduct any negotiations about them. Therefore I could not have spoken and actually never spoke with Dr. Wugowsky about such therapeutical experiments, and I never gave him those drugs for such experiments."

The next is a document Wugowsky 88. It is to be found on page 88 of the Document Book. I beg your pardon, I made a mistake. It is to be found on page 227. It is Wugowsky 88, on page 227, of Document Book 1-a. This is an affidavit of Karl Ludwig Lautenschlaeger who was the head of the pharmaceuticals of the Hoechst Dye Works. I repeat Document Wugowsky No. 88 on page 227. I offer this document as Ex Ditt Wugowsky No. 33. Lautenschlaeger states, after the customary introduction, and I quote:

"Since about 1928 I was director of the pharmaceutical department of the Hoechst Dyeing Plant of the I. G. Farben Industrie A.G. and since 1938 manager of the factory. Our pharmaceutical preparation Balkanol, has for at least 15 years been used in clinical tests again and again causing suppuration especially against sepsis.

"When typhus was spreading rapidly at the beginning of the war, I suggested to the competent experts of the firm to ascertain whether any of our preparations would act against typhus. Dr. Fuessgaenger had experimented with Balkanol on a typhus strain, pathogenic to mice and had obtained good results. I therefore arranged that this preparation be distributed to various clinics and military hospitals and tested there. For this purpose it was called 3582.

"One day, I cannot exactly remember when, Dr. Weber told me that a SS-Doctor, Dr. Ding, wanted to come to Hoechst, in order to inspect our experimental set-up personally. I told Dr. Weber to bring him over to me as well, as I wanted to talk to him, if my time would permit it. I thought that Dr. Ding came from a military hospital in Berlin.

"I had a short talk with Dr. Ding, during which he made an allusion which struck me. He showed me a number of curves of the cases treated in his clinic, the results of which I queried in comparison with other results. Thereupon Dr. Ding said that my cases are very carefully observed and very well treated. He dropped a remark to the effect that his cases were partly, or altogether, based infection. I replied that this did not mean anything to me, and I asked him whether he had used any serum. He answered evasively, and said soon at other things, that he had inoculated as well, I, thereupon, broke off the conversation rather abruptly and informed Dr. Ding on his request for further preparations that unfortunately we were unable to put further material at his disposal for experiments. In the conversation with Dr. Ding and his remark had made a strong impression on me, I asked Dr. Weber to come to me alone soon afterwards and I forbade him absolutely to supply further preparations to Dr. Ding or to correspond with him.

"The reports of other clinics about their results with Rutanol and Akridin-Granulate in typhus cases were relative favorable. I especially remember Professor Keller in Vienna and Professor Alvans in Frankfurt a.M., Municipal Hospital Sachsenhausen who, as far as I can remember, treated about 30 cases of typhus with that preparation.

"I only know Professor Bruckow by name and I have never seen him nor spoken to him. There is nothing known to me about our supplying him with our preparations Rutanol or Akridin for his experiments in Buchenwald."

I further offer Document Bruckowsky 65 which is on page 108 of the same Document Volume. This is an affidavit made by Dr. Bruckner of the Hoeche Dye Works. I offer this as Bruckowsky Exhibit 34. Dr. Bruckner says, after the customary introduction:

"I assert under oath that according to the results of the investigations which I carried out most scrupulously, the two exposures attached to this affidavit of the I. G. Farbenindustrie A.G., Frankfurt on Main-Höchst, Chemical-pharmaceutical and Sero-bacteriological Department, were used in this form in the year 1943 to make known the two preparations nitroacridin 3582 and rutanol."

There follow two exposures which I only submit to the Tribunal for its judicial notice without reading them, with the fewer charts attached.

Two further documents in connection with that point are contained in the Supplementary Volume which I shall submit at a later date.

BY DR. FLEETING:

Q You know the entry in the Ding Diary of the 10th of June 1943, regarding the typhus therapeutical experiments with Othromin. Would you please define your position to that?

A I don't know the preparation Othromin. I only heard about that experiment by looking through Document No. 265. At any rate I had nothing to do with that series of experiments.

DR. FLEETING: I submit to the Tribunal the Document No. 85. This can be found on page 222 of the Document Book I a. I repeat Mrugowsky 85, on page 222. This is the Affidavit of the former Obermedizinalrat Dr. med. Christensen who was active in the Ministry of the Interior. I offer it as Exhibit Mrugowsky No. 35. Werner Christensen says, after the customary introduction, and I quote:

"I was from 20/5/1940 onward one of the persons dealing with epidemic in the Medical Department of the Reich Ministry for Home Affairs. In this capacity I received the reports about epidemics which occurred among the civilian population of the Reich.

"In 1942 a violent epidemic of typhoid broke out at Hamm, in Schlesia-Holstein. Infected crabs were soon found to be the carriers. When I worked on this epidemic, I remembered several articles of Professor Lockemann, Director of the Chemical Department of the Robert-Koch-Institute in Berlin, dating from 1930. In these publications Lockemann reported about the secretion of rhodanin in the human gastric juice. Rhodanin here has the effect, as Lockemann shows, of increasing the germicidal power of the gastric juice 60 to 200 fold."

Then follows the suggestion of Christensen who developed a preparation in order to help the gastric juices to prevent. He described how he experimented on himself and continually had his gastric juices examined and then he states:

"These experiments on my own body took place from the beginning until the middle of 1943. After I had at the beginning of my experiments, shown the preparation to agree with the human organism and had reported to Conti, hereon, he declared: I should recommend the preparation to medical officers in case of typhus, typhoid and dysentery epidemics, for preventive use by the population. This was done about the middle of 1943 in the districts Oppeln, Dresden, Posen and Danzig and Western Prussia.

"Conti told me casually that he would, if the occasion arose cause the preparation to be used in a SS-formation by one Dr. Ding.

"About the fall of 1943 Conti gave me about 30 charts of patients which I was to evaluate. He said they were the charts of a typhus epidemic in an SS-formation.

"I gathered from the charts that Othronin had been administered to the patients for therapeutical use. After the outbreak of a disease it cannot have any healing effect according to its nature, it is intended for prevention only and its preventive effect comes from its killing in the stomach bacteria that have been brought there with the food.

"Accordingly it had no effect when it was used with the SS.

"Through what channel Othronin or the suggestion to use the preparation came from Conti to Dr. Ding, I do not know. Othronin was also available through trade channels.

"Dr. Ding was not known to me, nor did I know Grawitz.

"I became acquainted with Hrugowsky in the Reich Ministry for Home Affairs at a meeting concerning the introduction of the continuous testing through State Organizations, of all vaccines against typhus manufactured by the pharmaceutical industry through the "Institute for Experimental Therapy" in Frankfurt a/M., and again at a second meeting of the Executive Committee for Disinfection and Protection against Epidemics. His name would therefore have definitely stuck in my memory, if it had been mentioned in connection with the Othronin business."

"Then he further states that he wrote a paper about Othronin.

BY DR. FLENNING:

Q Do you have anything to say on that affidavit?

A This affidavit shows, first, that this preparation was not developed upon our instigation but upon the instigation of the Ministry of the Interior. Secondly, that Conti had himself told Dr. Christiansen that he, Conti, would have this drug tested by Dr. Ding. Furthermore, that he himself had received 30 case histories which he handed over to Dr. Christiansen for his evaluation. Obviously, Conti exercised a direct influence on Dr. Ding for he states that he would have this drug used and he did not say that Ding would act on his own initiative in any other manner. He is speaking in a very definite manner. Furthermore, it is also confirmed here that there must have been a channel of some kind going from Conti to Ding and this, naturally, also confirmed that I had nothing to do with it.

Q Now, I come to the question as to whether in regard to the typhus experiments conducted by Ding you can be held responsible for any reason at all. Would you please state how the subordinate relationship of Dr. Ding was?

A When Himmler, in the year of 1941, ordered the experimentation on human beings Ding was assigned for this experiment by order of Himmler, probably at the suggestion of Grassle. I remember a written order by Himmler which was held very brief. He said that these experiments were to be carried through and he furthermore stated that Dr. Ding was to be assigned for that purpose, which would not prejudice his tasks which he was carrying out up to this point. That was an additional task. This task he was carrying out then would be felt very greatly outside the scope of his channel of command, to the task which he held up to that point - the preparation of vaccines. The human experiments, however, were a new field of work. It would not fall within his old field of work and would not fall within this relationship of command.

Q Was it possible for such a double subordination to exist? In that case Ding would have to be subordinate to you for the production of vaccines and subordinate to Grassle for the typhus experiments.

A Such a double subordination was not only possible within the SS but throughout the entire Wehrmacht. It is quite feasible that one belongs to one

agency and, in spite of that, carries through an order for another agency and on their responsibility. I personally am an example for that. When in the year 1943, before the reorganization of the Medical Service of the SS, I was subordinate to Dr. Gensken. I was assigned by Dr. Grawitz for special tasks and, in case of those special tasks, was subordinate to Dr. Grawitz and not Dr. Gensken. As it appears technically, Dr. Grawitz had a right to issue command in specialized matters but from personnel and organization point of view, one would have to say that the man concerned was assigned to that alien agency for the carrying out of those special tasks. That is the technical explanation of that situation.

Q In order to prove your correctness of the statement that such a double situation of subordination is possible, I also refer to the affidavit of the Chief of the former Operational Main Office of the Waffen-SS Hans Juttner, which can be found in Supplementary Volume to Document Book Banaken, document no. 15. This confirms that situation. In addition I mention the affidavit of the former I-4 personnel man of the Waffen-SS, the expert working on personnel questions. Unfortunately my application to obtain an affidavit from that expert has not yet been approved and I shall, therefore, submit it at a later date. From the point of view of channel of command you had nothing to do with typhus experiments of Dr. Ding at Buchenwald?

A The instigation and basic order emanated from the highest agency. As I said before I could exercise no influence on the individual series of experiments. Naturally, I could exercise no influence or furnish inmates since I was not competent to deal with concentration camp organization and had no access to it and, therefore, could have nothing to do with it.

DR. FLEISHING: I now refer to the document which was already submitted by no - number 38.

THE PRESIDENT: One moment. You referred to an application for the taking of an affidavit of a witness. What was the name of that witness whose affidavit you desired?

DR. FLEISHING: Adolf, R-U-O-F-F. The first name is Joachim. He is in Bernburg in prison.

THE PRESIDENT: When did you make an application for approval of your leave to take an affidavit of that witness?

DR. FLEWING: That was probably two or three weeks ago, Mr. President.

THE PRESIDENT: Please check that matter with the Defendants Information Center because, as far as I am advised, all applications have been passed on very promptly. Probably the application had been mislaid.

I now refer to the document, the affidavit which was submitted as Exhibit 13 of the former secretary of Krugowsky which is to be found on Page 48 of the document volume. I am reading from this affidavit, starting at Page 50, paragraph 4, and I quote. I repeat, Page 50, of the document book, paragraph 4:

"I assume with certainty that no written instructions for tests on prisoners reached Ding through Krugowsky. I never typed any such instructions. It also never came to my knowledge that my deputy ever wrote such a letter during my absence.

"It was customary in the Institute for Krugowsky to issue to the heads of the specialist departments in writing all instructions for the work to be carried out. The formulation was approximately as follows: 'The following question seems interesting in this or that connection (exactly specified in the instructions). Please test this question by experiment, collect the most important publications, and report back to me.' This custom to issue instructions in writing dated at least from 1942. All the correspondence between Krugowsky and Ding was exclusively concerned with the laboratory in Buchenwald where the vaccine was manufactured, and later on, from 1944 onwards, mainly with the Banler works. Krugowsky only gave written instructions for these matters and for the distribution of vaccine, never for any kind of tests on prisoners.

"I can also testify that Krugowsky never gave telephonic orders for tests to Dr. Ding. Because whenever Krugowsky conducted an important conversation over the telephone, whether it was an incoming or an outgoing call, he always dictated to me afterwards a note for the files giving the essential points of the conversation. I can say with certainty that he never dictated a note for the files about a long distance telephone conversation with Dr. Ding-Schuler in which typhus tests on prisoners were mentioned or any kind of instructions for such experiments were given. I can say this with absolute certainty because I knew Krugowsky's adverse attitude towards such experiments, and a memorandum of that nature would have attracted my attention.

"7. Ding's reports about his tests on prisoners went via the Hygiene Institute to Grawitz. These reports, however, were not dealt with by me, but by Stabscharführer Heinz Hollender. I do not know whether Krugowsky defined his detailed position in these reports or whether he made use of them in any way.

"Nothing became known to me about Dr. Ding having reported about typhus passages on prisoners. I neither heard anything about it from conversations in the Institute.

"Had the tests on human beings been carried out through the Hygiene Institute of the Waffen-SS under Krugowsky's responsibility, the doctors at the Institute would have been working on the practical application and there would certainly have been frequent conversations about these experiments in the Institute. I cannot remember any conversation ever having taken place about typhus tests on prisoners."

I further submit the document which was already offered as Exhibit 16. Krugowsky 39 on Page 59. I repeat, Document Krugowsky #39 on Page 59. This is the former secretary of Dr. Krugowsky and she says, on page 60 of the document book, and I quote:

"During my activity at the Hygiene Institute it has never come to my attention that Professor Krugowsky ever gave an order to Dr. Ding to conduct a series of typhus experiments on prisoners. I know that Professor Krugowsky issued all work orders to the section chiefs of the Institute in form of written file notes. If a telephone conversation concerned a matter of some importance, Professor Krugowsky also dictated a file note on it. A file note was also made on more important official conferences.

"According to my observations, Dr. Ding was only very seldom at the Hygiene Institute of the Waffen-SS to see Professor Krugowsky. As far as I remember, I have seen him only once, or, at the most twice, at the Institute and then only for a very short while.

"I do not know anything about the requisitioning of prisoners from Buchenwald for the purpose of conducting typhus experiments. I never heard anything of it at the Hygiene Institute."

As Ding's superior, didn't you have to exercise official supervision over him and don't you, for that reason, have to bear the co-responsibility for these experiments?

A No, an official supervision of Ding and, thereby, a power to issue orders I only had in connection with the production of vaccines in Block 50 and also as regards to other questions of hygiene. With reference to these questions I was Ding's superior. He received orders from me and assignments for which I fully assume responsibility. This, however, does not include the activity in Block 46 for which it had been established by order of Himmler and by the confirmation of Grawitz that this task was not assigned to me. Dr. Grawitz frequently protested at my interferences and I therefore had nothing to do with Block 46 and could not be held responsible since I did not exercise any supervision.

Q I refer to Document Mrugowsky #26 which is to be found on Page 167 of the document volume 1A. Mrugowsky 26, Page 167, which I am submitting as Exhibit 6. 26 on Page 167. On page 169 I shall read paragraphs 4 and 5:

"That Mrugowsky ever had anything to do with Ding's experiments on human beings, I do not know. Mrugowsky did not tell me of a conference with Grawitz in January 1942 at which he (Mrugowsky) indignantly rejected a demand that he should undertake experiments on human beings. I do not believe however, that Mrugowsky ever ordered the Ding series of experiments carried out on prisoners in Buchenwald, particularly since such an order, in my opinion, could only be given by Grawitz or Lolling.

"So far as I remember the typhus affair took the following course: The lack of typhus vaccines caused it to be decided, as long ago as the year 1941, to produce this preparation at the Institute of Hygiene and a specially equipped laboratory in Buchenwald. Mrugowsky appointed Ding as head of the latter. The only reason why the establishment of this laboratory did not actually take place until the beginning of January 1943 was simply that Ding, in 1942, fell ill of typhus and after his recovery was ordered to Paris, where he remained until the end of November 1942. In the year 1942 Grawitz obtained an order from Himmler for the establishment of an experimental station in

the concentration camp at Buchenwald for the investigation of typhus and appointed Ding as head of the station. I know nothing of the commencement of activities at this station, since this was a purely medical matter and concerned with a concentration camp. The laboratory was equipped in first rate style by the central medical service depot (Zentralsanitätslager) and the production of typhus vaccines was greatly supported from my end. I had no connection with the experimental station except in relation to demands which came to me through the ordinary way of business."

And paragraph 11 at the bottom of page 173:

"Grawitz never spoke to me of experiments on human beings in the concentration camps. Nor can I give any information as to whether it was only Grawitz, or whether it was also Hummel, who gave such orders to certain concentration camps."

Q Dr. Hoven, in his affidavit, Document NO-429, Prosecution Exhibit 281, stated that Ding received all orders and directives from you and that his reports went to you. "Would you define your position to that?"

A I have repeatedly pointed out that such a general statement cannot be correct. It is correct insofar as it refers to Block 50 but it is erroneous insofar as it refers to Block 40. Obviously Ding misinformed Dr. Hoven.

Q Dr. Hoven states the channel of command: Ding, Arugowsky, Genzken and Grawitz. Is that correct?

A This statement is correct as it refers to the normal channel, as it refers to the correspondence of the Hygienic Institute of the Waffen-SS. This only has to do with the vaccine production in Block 50 or other hygienic matters but does not refer to Block 40. This channel of command is wrong as far as Block 40 is concerned.

Q Ding, according to Dr. Hoven's statement, allegedly took part in conferences with you three days out of every two weeks. Is that correct?

A Hoven, in his testimony, repeatedly pointed out that Ding was frequently on trips. In his work report about the year 1943, however, he mentioned only one single official trip to Berlin. That presumably is correct.

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As becomes evident from a number of my documents he was actually only very rarely in Berlin and not as frequently as Dr. Hoven stated. This statement in the work report seems very probable to me for the reason that at that time, Ding, according to Dr. Hoven's testimony, endeavored to cover himself in many ways and he therefore would have tried to state in his report anything which would indicate a large scale activity. But he naturally could not put down more duty trips to Berlin than he actually carried out for I certainly would have noticed it.

Q. Did the typhus experiments in Buchenwald have any practical success?

A. The first series of vaccine experiments already had shown that the vaccines were not equal as to their effectiveness. It becomes evident from Dr. Ding's report how these variances expressed themselves. One vaccine had an excellent effectiveness, whereas two vaccines were rather weak in comparison. The production of these weak and comparatively ineffective vaccines, probably by instigation of the Reich Ministry of the Interior, Professor Gildemeister, was prevented. Gildemeister was in a position to do that because he was the typhus expert of the Reich Ministry of the Interior, as can be seen from two of my documents. If these ineffective vaccines had continued to be used, they would not have shown their value in practice and as a result all confidence which was put into them, would have failed and more persons would have died of typhus than if they had been properly vaccinated. The fact that already in the beginning of 1942 these ineffective vaccines had been excluded is, in my opinion, only to be attributed to the result of Ding's work. That undoubtedly is a very important and valuable result of the experiments which I am sure saved the lives of thousands of persons.

Q. Before continuing, I should like to discuss with you the testimony of the witness Kogon. In the transcript of 7 January 1947, in the morning session, page 1184 of the English transcript and page 1214 of the German transcript, Kogon said that a man by the name of Koehler had been found dead in his cell in the bunker and acute poisoning was assumed; that Koehler was autopsied in the presence of a scientist coming from Jena and certain drugs the alcockyt series were found in his stomach. In that connection I submit the document Brugowsky 29. This can be found on page 177 of the document book, Brugowsky 29, page 177. I offer it as Exhibit Brugowsky 37. This is an affidavit by a former SS judge, Dr. Konrad Morgen. Dr. Morgen states:

"I ordered the arrest in Lublin of Hauptsturmfuehrer Koehler and had him brought to Buchenwald. Subsequently, he made very incriminating state-

ments against various persons. I had to interrupt his hearing in Buchenwald to go to Kassel to effect a warrant of arrest against Dr. Hoven. In Kassel I was informed by telephone that Hauptsturmfuehrer Kochler had attempted to commit suicide and that he had been admitted to the garrison hospital in Weimar in a serious condition. Shortly thereafter, I received a second telephone call to the effect that it was not a case of attempted suicide but that he had been delivered with serious signs of poisoning and that he was dying.

"After receiving this information, I went at once to Weimar accompanied by the presiding judge of Kassel. Kochler was still alive. He was fully conscious but already showed signs of death. Everything that had happened between Friday noon and Saturday evening was an absolute blank for him. He was therefore unable to make a statement as to how he had been poisoned.

"Kochler died 36 hours after making his statement and his body was dissected by the court medical expert, Professor Dr. Timm, of Jena. Traces of poison were neither found during the dissection nor in the subsequent chemical-pharmacological examination. Also there was no poison found in experiments on animals. On the other hand, the dissection proved that Kochler had been absolutely healthy. He only had a small harmless tumor on the supra renal glands."

The further part of the affidavit refers to a different point, to which I shall revert later. Would you please state your position on that contradiction?

A. The testimony of Hoven gives the impression that he was speaking of his own knowledge. That is not the case. He is only repeating what someone else had told him. He made a number of errors. He states that Kochler died at Buchenwald. In reality he died at Weimar, that is, not in the concentration camp but in the hospital. Secondly, he states that he was autopsied in the autopsy room of the concentration camp. That is also wrong. He was autopsied in the local hospital of the city of Weimar. Thirdly, he states that during that autopsy alkaloid tests were found in

his stomach, whereas the judge who was working on this case testified that during that autopsy no such results were registered. Kogon is only repeating what he had heard. All of these things are wrong, as is proven by the testimony of the investigating judge. I might add that Professor Tini, who was carrying out the autopsy, is a very well known professor for legal medicine in Germany.

Q. Kogon further states, on page 1185 of the English transcript and page 1216 of the German transcript, that Ding had said, "I am to test a poison on Russian prisoners of war. I have to make an immediate report on it. This is Krugowsky's direct order." Then in the English transcript on page 1185 and in the German transcript on page 1217 he says, "Dr. Ding did not send a written report about that to Berlin. He said that he would have to report to Krugowsky verbally." Ding, according to the work report submitted by the prosecution, dated 23 September to 4 October, was in Berlin. The experiment took place on the 26th of October. According to the document available, Ding was not in Berlin after that period. What do you know about that experiment and when and how did you get that report?

A. I know nothing of this experiment. I found out about that for the first time on the basis of Document No. 265. I never received a verbal or a written report about that activity.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY DR. FLSCHING:

Q. We were discussing the testimony of Kogon, referring to page 1198 of the English transcript and pages 1226 and 1227 of the German transcript, and of Document 1300, Exhibit 289, which was submitted by the prosecution. We are concerned with the experiments connected with Dr. Wernet. Kogon said in that connection on page 1198 of the English transcript that if he remembers correctly that in the first letter Dr. Ding had received about Dr. Wernet it was contended contact had been established. The prosecution contradicted that by Document 1300, where your name is not mentioned and which according to its contents is the first letter on that subject. Kogon furthermore testified that it was possible that Ding on his part had made references to you for the permission for these experiments at Block 50. What do you have to say about that?

A. Ding never approached me in this matter. According to Kogan's testimony it seems that Ding himself carried through these experiments. As became evident from the latter part of Kogan's examination the experiments were neither conducted in Block 46 nor in Block 50 by Dr. Sernst. They were conducted in the hospital of the prisoners. Dr. Ding was no longer conducted in the hospital of the prisoners. Dr. Ding was not long-
or concerned with that matter but that was the camp physician's. Kogan expresses that Ding actually has nothing to do with that affair himself and he said he didn't know why he was writing letters about that matter. At any rate, I didn't receive any letters from him. He didn't ask for my permission for these experiments. He didn't have to do that because those experiments didn't concern his work. In addition, I may point out that this is not a question of an experiment, but a therapy treatment of a disease and it has already been established on patients of that Danish physician that such treatment has been successful.

Q. Have you that document at you, dated the 7th of January?

A. Yes.

Q. Then would you please turn to page 1228 in the German transcript book and 1230 in the English Document book and tell me what your position about that matter is? The question there reads: "And now, Mr. Kogan, would you please speak about Dragatsky's attitude toward the experiments conducted in the concentration camp of Buchenwald. I am speaking of other experiments than typhus experiments."

A. This question of Mr. McHoney's refers to all experiments which Ding was conducting at Buchenwald. Kogan obviously tries to mention my name as often as possible in connection with such experiments and therefore tries to bring it up at every suitable and unsuitable occasion.

Q. I should like to interject here - please take into consideration there the answer to the question also; namely: "Was a report of the result of Sernst's experiments made?"

A. Yes, that's right. As an answer to that question Kogan says that, as a rule, reports were sent about the experiments of Sernst but

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that they were of a different nature than those which were made about the experiments in Block 46 as it was sent to me. This answer is in contradiction to the so-called "Ding Diary" which Kagan himself sent to the prosecution and there can be no doubt that Kagan thinks that this document is authentic, and I already stated yesterday that Ding, only in the case of four or five of these experiments, says that reports on them were sent to Berlin. But he says in no case that a report was sent to me. Berlin is large and there are various agencies there. When discussing that question Kagan contradicts himself when whereas he says that he himself frequently had the impression in the summer of 1943 that Ding himself was a subordinate whom he was really subordinate. That is to say, that he had no single superior where an error wouldn't be possible and not the least of what could have arisen. This passage, on the other hand, proves by Kagan's word himself that there were a number of superiors over Ding. Kagan didn't quite realize what this difficult relationship of subordination was. In the summer of 1943 the production of vaccines had already started and, for that reason, he came into contact with me to a much greater extent than before. Naturally, he received a number of letters and directives from me which all referred to the production of vaccines and to their hygienic assignments which Ding received from me. I am convinced that if Kagan had seen an order referring to human experiments which emanated from me he would very clearly have stated it in his testimony. During his entire testimony he mentioned not a word about that. He always stated that he heard this or the other from Ding. In this case he does not speak of his own knowledge but is only repeating what had been told. How unreliable Ding was in that connection was seen throughout the whole trial. Furthermore, he testified that Ding, since 1943, wanted to cover himself to an increasing extent.

2. My 1 interject here that is to be found on page 1162, page 1162 of the English transcript and page 1197 of the German transcript, dated the 6th of January 1947?

BY MR. FLEMING:

Q Would you please state whether Dr. Ding ever approached you -- oh, I beg your pardon. You have said that already.

Would you please speak about Kogon's testimony with regard to that so-called Ipsen vaccine of indiscription from Denmark? This is from the English transcript page 1177 of the 7th of January, 1947, and page 1209 of the German transcript.

A This testimony of Kogon refers to the objection raised by Professor Rose to Ding's experiments. On the occasion of the third meeting of the consulting physicians in the year 1943 Ding was to have been very excited about that incident, and he then said:

"About three-quarters of a year later Ding triumphantly showed me an order by Professor Hruzensky to start a new series of experiments with a vaccine coming from Copenhagen, and he says that this vaccine was furnished Professor Rose and that Rose had made that request accordingly."

This testimony is absolutely wrong. Rose never made such a request to me. Fortunately, Kogon corrects this statement during his own examination for on page 1252 of the German transcript --

Q Which is 1224 of the English transcript.

A -- he states expressly that Ding had brought the order with him coming from one of his numerous visits to Berlin. He says further:

"How this order originated, I do not know." Kogon is then asked whether this order had come from me. He answers that Ding had told him that, namely, that he received that order from me. He further is asked whether he could personally testify on that, whether Professor Rose had asked me to start that series of experiments. Then Kogon clearly answers,

"No."

Q Would you please state your position regarding Kogon's testimony on page 1216 of the English transcript and page 1243 and 44 of the German transcript regarding the fact that certain political or other prisoners were mothered into Block 45 in order to be killed there. Is that in connection with the passages of experiments?

A I heard about this matter for the first time here during the trial. The situation as it prevailed in a concentration camp was unknown to me. I never had belonged to the staff of a concentration camp, and only from time to time I went there in order to deal with very clear-cut assignments. Mostly these assignments did not entail my presence in the concentration camp itself but only my presence in the vicinity of the concentration camp since the water installations are naturally outside of the camp. It is for that reason that I know nothing about these matters, but I noticed here that there is a discrepancy between the document 265, the diary, and the document which was designated as the work report of the year of 1943. Insofar as the work report speaks about experiments on human beings, rather, speaks of passages on human beings, and this was defined by the Prosecutor by saying that this concerned human beings who were infected only in order to keep the typhus virus alive, no mention of that is made in the diary. Later we shall speak about that in greater detail.

I should only like to raise the suspicion here that if this testimony of Dr. Kowon were correct that inmates were sent to Block 46 in order to be exterminated there, that these are these so-called "passage" persons. I think I am justified in saying that because Kowon and Salachowski testified that these passage persons had a fatality rate of ninety-five percent but this is a percentage which cannot occur in any series of typhus experiments. These passage persons would have to be put on the same level as the controlled persons who were not immunized and not even with the controlled persons, and this is why such a high rate of fatality occurred. In that case I think we are concerned with something entirely different. I think that will be clarified during the course of the trial.

Q Would you please speak about Kowon's testimony of the 8th of January, 1947, of the English transcript on page 1260, rather, 1274 of the German transcript? Kowon says:

"We applied that method practical Hohen and, used in the Pasteur Institute in Paris in Block 46 for its effectiveness. The test from animals lasted approximately four months." Give you that transcript before you?

A. Yes. This method of Durant-Giroud was certainly not stolen from the Pasteur Institute of Paris. That is a rather daring and shameful testimony. The method was published by Durant-Giroud in a French publication and was, therefore, accessible generally to the scientific world. I repeatedly pointed out as it can be seen from the documents of the Prosecution that Ding was sent by me to Professor Giroud to Paris and was working there for four weeks in order to re himself acquainted with the method. Equipment was even obtained which was used in the Pasteur Institute and which received, through the help of that institution. This procedure was absolutely normal since every published method can be used by anyone who is interested. That is really the reason for publication. If one would desire that as a secret method, it would certainly not have been published.

Q. Would you now please speak about the animal experiments that Koven mentioned?

A. Koven stated that the examination of this vaccine had lasted for four months. He said that tests were carried on on animals. This testimony stands completely isolated and is not proved by the work report of Ding which deals with the same matter. Such a testing of the vaccine on animals would not have been necessary either. Professor Giroud is a knowledgeable and exact bacteriologist and belongs to one of the best-known experts in France. The vaccine had been tested by him by way of experiments on animals. These discrepancies between the testimony of Koven, rather, these discrepancies within Koven's testimony can only be blamed by his deviation from his own knowledge and by stating what he interpreted into events.

Q. Did you give him the order to start a series of experiments with the vaccine that had been produced at Bucharamal?

A. No, I had no possibility to do that. He was not subordinate to me in that connection.

Q. Do you think that Ding on his own initiative conducted such series of experiments?

A. I really would not have thought that that was possible, but during the course of the trial so many documents have become known which have a tendency to show that Ding wanted to act independently, and I, therefore, think

is possible that he started these experiments on his own initiative.

Q Ding started a series of experiments with the vaccine Weimar where he only used five persons for this test whereas in other cases he was using 20 to 25 persons. Does this difference mean anything to you?

A It is quite possible that he considered the selection of only a few persons as a preliminary test and that he selected these persons who because of these camp intrigues were smothered into Block 46. Obviously he didn't make any requisition for inmates. He probably just received a few people which he used for that purpose. That, however, is merely an assumption on my part.

Q On page 1252 of the English record dated the 8th of January, 1947, 1252 of the 8th of January, and in the German transcript on page 1276, Kopon maintains that Ding was not a real bacteriologist and, therefore, had to ~~reply~~ in case of all questions which cropped up on the reports which were made to him by the experts of Block 50. Would you speak on that?

A When Block 50 started to work, Ding was at the end of his third year of work in bacteriology. There may be much said against Ding, but it would certainly be wrong to say that he was stupid. On the contrary, he was an extremely intelligent person and had an easy ability to grasp matters and was extremely skillful in the laboratory. He certainly was not any particular expert or could be considered any leading bacteriologist, but, on the other hand, it would also be wrong to assume that after three years of expert training one would not be in a position to gain the necessary knowledge that a bacteriologist has to have. Official training in that field only needs to be three years, that is to say, that during that period of time his training could be concluded.

Q Would you say that Ding was not in a position to critically evaluate what was told to him by his co-workers in the field of typhus?

A I already stated yesterday that Ding worked on two places for his training on typhus questions and that this period of time could only have been the foundation for the gaining of any special knowledge in that field. However, typhus does not differ so much from the rest of bacteriology. I think that one could transfer the knowledge to be gained from bacteriology into that field,

too, and he naturally was in a position to critically evaluate the various questions that came up. I personally looked at a number of preparations with him, and I can say that on my own knowledge.

Q Did the vaccine produced in Buchenwald have an effect in practice?

A The vaccine belonged to the best we had in Germany. The American occupational troops used that vaccine in their internment camp after the collapse. Professor Ramler testified on that here. That naturally wouldn't have happened if it hadn't been usable.

Q I now turn to the typhus passages on human beings. You know that Dine in his work report of the 11th of April, 1943 states that "typhus passages on thirty-four persons up to now." This work report is NO-571 which is a Prosecution Exhibit 216. Now, do you know about these passages, and what does "passages" mean?

A The passage is the passage of a disease carrier through a human being or through an animal under control of a physician. If an individual animal or person falls ill and a bacteriologist observes that cause, that would be considered as the first passage. If he takes blood from that patient and then injects that blood into an animal or into a number of other animals, and if he sees that all these animals also fall ill, this is considered to be the second, third, fourth, etc., passage. This procedure is used in the laboratory in order to test the ability of a bacteria for infection. Since these tests were made and since about seventy years ago one had found out that the virulence, namely, the ability of a bacteria to infect in other persons decreases very quickly, if that passage is used by one and the same type of animal. In the case of a number of disease bacteria the custom was introduced into many laboratories of the world to change the types of animals used, that is to say, from the guinea pig to the rabbit, and then over to the mouse and then, perhaps, again return to the guinea pig and the rabbit, and then the mouse. In this case the bacteria receives its full virulence. It would lose it very quickly if one always applied it to guinea pigs or always applied it to rabbits, etc.

Q If one applies that to the case on hand, would that mean that had the passages been carried out in theory Kogon testified, namely, from one human

being to another human being, would then the virulence be kept equally or would it have been increased or decreased?

A. If it had actually been the case that the typhus bacteria in its poison would increase by passing it from one person to another, then epidemic would always increase and couldn't logically stop for the bacteria would become more and more poisonous, and at the end of the epidemic people would be infected by bacteria that beforehand had still be able to resist, because these bacteria had become more poisonous in the process. In reality, however, that is not true. Every epidemic at one time must stop even without any measures of control. We don't know the laws which govern the coming and leaving of epidemics, but that much is sure and improved by every epidemic all over the world, namely, that every epidemic must at one time stop and is limited timely; that is, the bacteria loses its poisonous quality although there is a passage from one human being to another.

Secondly the consequence would be at the end of the epidemics the most severe and most fatal cases would occur, but that is not the case. The most fatal and most severe cases with the greatest mortality can always be found at the beginning of the epidemic, and that in itself is very significant for the physician treating epidemic. For he realizes that he is concerned with the beginning of the epidemic when he observes such serious cases.

Q The passages with human beings, would that have brought any advantages compared to passages on animals?

A No, in no way at all.

Q Wasn't there the danger that the virus when transferred to the animals would die?

A The vaccine was to be produced from the lungs of animals and one would therefore have to go over to the animal from the human being. The change of type of animal to be used is always a critical moment. It often occurs that the bacteria cannot be applied, but automatically dies, but in our cases, in Ding's case that wouldn't have mattered because he always had many spontaneous typhoid cases at his disposal, and would have been able to get a new strain from them.

Q When did you hear of passages of human beings for the first time?

A Here during the trial when looking through the work report.

Q Didn't you receive Ding's report of 23 from him?

A This document is neither signed nor is the date filled in, so does it bear the stamp "secret" or any number. The report obviously is only a draft, therefore and there was never sent off. At any rate, I never received any work report, and I never asked for it.

Q You remember, however, that your name appears on that work report by handwriting; how do you explain that?

A This handwritten note does not originate from Ding. It may mean something else. However, all that is an assumption. Nothing can be proved.

Q Did you receive a work report like that for the year 1941 or 1942?

A No, I didn't ask for one.

Q The draft of the work report for '43 which is available here contains something about Block 46 and Block 50; wouldn't you have noticed that had you received the report?

A This certainly would have drawn my attention, because I know how clearly these two blocks had been separated. This clear distinction between Block 50 and Block 46 was unanimously confirmed by all witnesses. One exception seems to be Dr. Salachowsky's assurance, which is Document 484, and Prosecution Exhibit 201, where he says in the German translation that between Block 46 and Block 50 there were close connections. That is in contradiction to all other statements contained in all other documents. I looked at the original and there is something else contained therein. It says there, there are no rapport etc. constant, that is to say there were continual relationships between the blocks, but it does not say these relationships were close. That is something entirely different. This testimony is in agreement with all the other testimony.

DR. FLEISHMAN: Mr. President, in that connection I need now refer to Document Hrugowsky 23, which is to be found on page 161 Volume I-A, which I offered as Exhibit Hrugowsky Exhibit 26, which is a passage which deals with the exceptions--Document 23, Exhibit 26, page 161. I will read the paragraph to be found on page 162:

"I was told now, that Dr. Dittl is supposed to have infected so-called passage-persons with typhus during experiments, in order to keep the virus alive. I already stated that I watched the typhus experiments in Buchenwald very carefully because persons who were not liked were put on the list for the experiments. During my observations and inquiries said were conducted since July 1943 I never saw or heard anything about passages or human beings. On the basis of the information that in cases of passages the death rate was extraordinary high, it does not seem possible to me that as so-called passage persons the disliked persons were used, who should be exterminated by the Germans in the camp.

Q In Dittl's Diary many letters are to be found which refer to the serum obtained by the typhus, rational?

A. In that connection we are not concerned with the prevention to be imposed as in the case of vaccines, but we are concerned with the treatment of ill persons. In the case of a number virus diseases, for instance, in the case of infantile paralysis and scarlet fever, the experiments, was obtaining that serum from persons who had gone through that illness, has a curative effect in the cases of people who had newly fallen ill. This experiment was applied in the case of typhus at the very early state, and contradictory results were achieved. Some physicians had successes and some physicians had failures. Since we have no drug in the case of typhus with which we could treat the patients, the suggestion originated that this serum of the convalescents would have therapeutical capacity. In the case of typhus, which we are entering, we were naturally very interested in that question, and I know the entire literature on that subject. I know how contradictory the results were, but I also know a large number of scientific theses which speak of good results in case of that method of treatment. In order to make up a serum we took the serum from the persons who had survived typhus and applied it as a therapeuticon in other cases of illness, with the changing results sometimes which worked and sometimes which didn't.

DR. FLEISCH: I submit to the Tribunal Mrugowsky Exhibit No. 14, which is to be found on page 131 of the Document Book 1-A, which is a copy of the Handbook Pathogenic Microorganisms, and shall submit that handbook to the Tribunal as soon as I get it from the laboratory. This is Document Mrugowsky No. 14, on p. 131 of the Document book, and I offer it as exhibit No. 37. I only submit it to the Tribunal for their attention, and it is said therein that a number of research workers had good or better or not results at all in case of this serum of convalescents.

Q Were any persons harmed by using that method?

A That is completely out of the question. In the first place these convalescents were still under medical supervision. The serum was not only drawn from them in Buchenwald but was in hospitals wherever typhus patients were treated. It is a peculiarity of the typhus disease that the vessels and the veins are in most danger, whereas the amount of blood in itself does not change. The vessels, therefore, are obstructed, and the drawing of the blood is known for a thousand years in medicine as a taking away of the burden of the circulation system. It serves in order to give serum, for only that the blood in the later case is not being poured away but that it is used for therapeutic purposes. If the drawing of the blood is executed skillfully any harm to the patient is out of the question.

THE PRESIDENT: The Defendant will now be in recess.

(A recess was taken at 12:30 P.M.)

AFTERNOON SESSION

(The hearing reconvened at 1:30 hours, 28 Mar 1947.)

JOSEPH L. LANGOSKY - Counsel

THE COURT: The Tribunal is now in session.

DIRECT EXAMINATION - Continued

BY MR. FLEMING:

Q. Before the recess we were talking about the taking off of blood in the case of typhus and you were saying in that connection that a cleverly carried out taking off of blood would be rather unofficial than done in the case of typhoid. What do you consider a cleverly carried out operation of that type?

A. When you take a total of about five liters of blood. It has been known for decades that due to the health through removal of blood, and particularly danger to life, could only take place if one liter or more is taken off; but even that limit is not a certainty. In the case of removed blood, therefore, from the vein one will stay well below that limit. The rule is not to take more than five hundred cubic centimeters from the arteries in the so-called phary it becomes apparent that in the average 130 cubic centimeters were taken from the convalescent patients. Consequently, usual limits were observed so that even for this removal of blood was out of the question from the beginning.

Q. These convalescent patients - were they previously examined before the convalescent serum was taken away from them?

A. They were still under medical consideration in the hospital and the doctor in whose care they were. It then really for this removal of blood. This would not have been true if in any way there had been any reason on the strength of which the patient might have been in jeopardy, for instance, through a threat or anything like that.

Q. The persons from whom convalescent serum blood was removed - did they in any way receive compensation?

A. In Germany even in peacetime there has been an arrangement usually according to which, in the case of blood transfusions and some such operations additional food rations could be allocated. This ruling, which was also

applicable to the armed forces, was also brought into operation for concentration camp inmates and I know that a corresponding order was given through the chief of concentration camps through administrative channels. I saw a copy of that order. The persons in question whose blood had been taken, therefore, had additional rations. Being more than 150 cubic centimeters of blood was removed, which is the lowest limit, such compensation in the shape of food could be given.

1. You said that you considered that any damage to health was considered out of the question by you in the case of such removal of blood in the case of convalescent patients. Please remember that Dr. Keen has testified that this removal of blood was at least part of the reasons for later fatalities.

2. This opinion of Dr. Keen is incorrect. How does he speak on the strength of his own knowledge because he himself stated during his testimony that as far as the events in Block 46 were concerned he only knew them by hearsay; but he himself had no business there, so that he could not collect such experiences of his own. His assertion, therefore, is based on the statements of third persons and I would like to point out that Keen himself also has said that persons who later in 1945 were to be infected with typhus had previously been put in a particularly favorable condition of nourishment by means of considerable additional rations.

3. Then there is another instance of the removal of blood when, through Dr. Elvehjem, in the so-called small camp and according to Keen's testimony blood was removed and used for blood conserves. What is to be understood by that?

4. It has to do with - with reference to conserving of blood during the numerous wounds which happened during a frontal war blood transfusions became one of the most important means of treatment. In the case of numerous such instances there is additional condition of shock and it transpired that it is not a good thing in this condition to carry out transfusions of blood with blood corpuscles because through that circulation is additionally burdened. Therefore, one passed on to plain serum only; despite all this

at the front there are numerous cases when the transfusion of blood appears advisable and is carried out. There is not always a sufficient number of blood donors available and from various sources, not only in Germany but also abroad, particularly in Switzerland, the problem was tackled of bringing blood into a camp in which it can be kept several weeks and in which it can be taken to the front where it can be given to wounded soldiers. In my institute we were working on this problem on behalf of our divisions, and such blood preserves, which could be kept for four weeks, were manufactured by us on a larger scale, and they were used for our divisions at the front. This blood did not originate from concentration camps. To the contrary, Himmler had emphatically forbidden that for use such Waffen-SS soldiers blood from concentration camps should be used.

We set up a special donor organization in Berlin through appealing to the population. Particularly women and girls reported in such large numbers, voluntarily that is, to give their blood for this purpose, that we had more than sufficient donors for our purposes. From the stocks of this conserved blood we also supplied large quantities to concentration camps but when, later on, transportation problems became more and more difficult because of the increasing air attacks, the demands of concentration camps could no longer be satisfied. Following a special proposal of the chief medical officer of concentration camps, the requirements of prisoners were supplied from blood taken from healthy prisoners. Consequently, to this is due the entry in Dingel's Diary that in Buchenwald too healthy prisoners in the so-called "smaller camp", which was the description for dilute and quarters, had blood taken away from them, and Karnau states quite clearly that these donors were reported voluntarily in order to receive the additional food supplies.

Q. So that it is your opinion that this method of removing blood is perfectly justifiable?

A. Yes.

Q. Did you yourself ever give blood in that manner?

A. Yes, but not very often. Possibly twenty times.

Q. What was the quantity of blood that they took away from you?

A. Generally 500 cubic centimeters, rarely less, but a few times, 750 cubic centimeters.

Q. Mr. President, in this connection, I submit Document Mrs. Owsky #15. It is on page 133 of Mrs. Owsky's Document Book. #15 on page 133. I offer it as Exhibit Mrs. Owsky 38. It is an affidavit from Professor Dr. Siebeck, Heidelberg. Professor Siebeck, in connection with some of the questions which I put to him, only states briefly that the question is ... Page 133, Document 15, Exhibit 38. Professor Siebeck, in the case of individual questions which I put to him, only states in his affidavit that this question is to be answered in the affirmative and I have, therefore, taken the liberty on Page 136, immediately following this affidavit, to reprint the questions which I had put to Professor Siebeck and those questions can be found on page 136. Professor Siebeck says in his affidavit under figure 1 that:

"Until about the beginning of this century typhus was considered to belong to the group of typhoid diseases, because the general symptoms of the disease were similarities. But since then it has been known that typhus has no connection with the typhoid disease. This has been proved for certain especially since Nicolle discovered the germ."

Figure 2: "Typhus takes its course frequently, and it can be said, typically, with no other troubles."

"3. 4. serious phenomena of the disease such as delirium, disturbances of the circulatory system, appear at first mainly during the period of incubation but this can also appear much later, especially disturbances of the circulatory system."

"With reference to question 4, I shall first of all have to read the question which is: 'Is it correct that complications may arise in the course of this illness and that they chiefly appear in the case of a severe attack of typhus?' And the answer is: 'This question is to be answered in the affirmative.'"

In question 5 I had asked: "Are some of these complications bacterial pneumonia, inflammation of the kidneys, gangrenous in the skin, vomiting, etc?" and the answer: "The complications mentioned occur rather frequently in serious cases."

Figure 6: "Bacterial pneumonia, at least, is a frequent complication in cases of typhus, vomiting has not so often observed by us. The hemorrhages in the skin are usually very slight in cases of uncomplicated typhus. Symptoms from the kidneys are frequent, but not so serious inflammation of the kidneys is infrequent, but not so serious inflammation of the kidneys occurs seldom if ever. It depends on the system, whether they can be traced back to the disease or to other influences."

Figure 7: "There is no specific therapy for typhus."

Figure 8: "It is correct that the therapy has first of all to support the circulatory system. I would use salines only with care. In the case of a typhus, measures are taken for by the symptoms to counteract the signs of an over-infection. If it is a certain antibiotic is recommended for all cases of infection."

Figure 9: "The administering of Camphor and Sympital mentioned seems appropriate to do. However, general administering is not sufficient in all cases. In serious cases an administering..."

Then I can skip this and pass on to Figure 10: "Among the anatomical changes which are traceable in cases of typhus, those in the blood vessels (perivascular infiltrates) play the most important part. The lowering of the blood pressure is apparently caused by a disturbance of the blood vessels of the brain. Only a few examinations about the quantity of blood in cases of typhus are available. I personally do not believe that the expression 'reactive' (Bruschi termed) of the blood vessels is quite correct. If there are not quite special indications, I myself do not recommend phlebotomy in cases of typhus, but I cannot say that phlebotomy, if carried out carefully would be a mistake. The taking of 430 cubic centimeters of blood seems rather much to do, but I do not think that real or permanent harm can be caused thereby."

Figure 11: "Does such phlebotomy, if carried out correctly, have such a calming effect on the whole body that the patient's condition will deteriorate instead of being improved?" And Dr. Karrow draws your attention to his previous statement.

Figure 12: "It is at least quite improbable, if not impossible, for human who are in the convalescent stage after typhus to be harmed by a single blood letting of 430 cubic centimeters to such an extent that death does not occur until later in consequence of the loss of blood. Such a blood letting was made several times in order to use the serum of these patients in the treatment of new cases."

Figure 13: "Phlebotomy, if properly carried out, can be the direct cause of death only if it is made on an extremely weakened convalescent whose circulatory system is completely undermined."

Figure 14: "It is correct that in cases of typhus the serum of convalescent has been used frequently for therapeutic purposes, statements as to the results being contradictory."

Figure 15: "Exact notes about the reabsorption of the blood cannot be given. A healthy body reabsorbs 150 to 200 cubic centimeters of blood."

within a few days without even feeling it. In case of 400 cubic centimeters of blood it may take a week or a little longer. Undernourished bodies do not regenerate so well and take a longer time than healthy ones. If the food supply is to a certain extent sufficient, the blood is regenerated also without any special additional food rations."

A. Can I add briefly that these clinical statements have been made because Dr. Ding, in his auridin work, is referring to them under the separate heading, and the prosecution, upon the submission of this document, had said that these complications in typhus cases are traceable to the introduction of Auridin and rutensol. That is erroneous. These complications are due to the disease as such, and Professor Siebeck, who has particularly great experience in this sphere, states that the complications which were mentioned happened very often in typhus cases and are, therefore, not due to the medical treatment which Ding applied.

Q. You have Ding's Diary before you. On the 21st of December, 1943, until the 16th of January, 1944, on the 25th of January to the 12th of February, 1944, and the 22nd of May, 1944, to the 16th of June, 1944, you find the entry in this diary to the effect "Control of blood serum"? What experiment is he talking about in that connection?

A. That was not an experiment at all. It was a therapy. I already stated this morning that in several cases with shock and also disturbances through infection, we only reluctantly resorted to blood transfusion, preferring rather to use blood serum. During this war, hundreds of thousands of soldiers were treated with blood serum conserves with the greatest success. Incidents of any type never happened, and it was my aim, therefore, on behalf of the infection department of hospitals to get hold of such serum. I did not succeed in doing so, because the production of these blood serum conserves was through the military command of the army, and our field units were supplied through armies and divisions. As far as rear units were concerned, such conserves were not at all available. It was only after a lengthy period that I nevertheless succeeded in getting hold of such supplies, and for treatment of disturbances of the circulatory system I placed such supplies in Ding's disposal for his patients.

Q. In the military academy or any other office did they request to have this serum conserve tried out or to check regarding its effects?

A. No and there wasn't any cause whatever to do so. In hundred of thousands of cases reactions and effects to such conserves had been known, and publications to that effect were available. I do not think that there was a single forward dressing station at any front of this last war where this conserve was not used at one time or other.

Dr. FLEMMING: Mr. President, in this connection I submit to you Document Mrazowsky Number 16. It is on Page 140 of Document Block 1-A, Mrazowsky Number 13, Page 140. I offer it as Document Mrazowsky Exhibit Number 39. It is an affidavit from one Conrad Egn, who produced this blood serum conserve.

Following the customary procedure he first of all describes how these conserves were manufactured. Then on Page 140 of the German version he says, "All serum preserves would save after a few weeks or months - all at Garkening, which was the normal occurrence of gas and caused through mixing corpuscles. During long transports, - particularly by car, this process and formation of this film was accelerated. Ampules which Brazilian stations had held for a lengthy period showed clearly discoloring. Numerous reports by the Institute were received, showing that the usability was no worse than in the case of clear ampules.

One, nevertheless, introduced the precautionary measure that in the case of the infusion of strongly discolored ampules a coarse filter should be introduced and that the infusion should take place as slowly as possible. These filters could be got from the - in hospitals, a measure which was, however, rarely used in the field.

Prof. Dr. Mrazowsky was specially interested in the manufacture of serum preserves and discussed the matter several times with myself as well as the director of the serum laboratory at Berlin, Colonel Capt Dr. Ardischewier. I am certain that on these occasions the question of abused ampules and its insignificance with regard to their compatibility was discussed. The necessity of experiments on humans was never mentioned, for the excellent therapeutic quality of serum preserves and their usability had been known for years. They had proved themselves in the field

by the application of many tens of thousands of capsules.

"Several scientific papers dealing with this matter had also been published."

I can skip a passage; and it will suffice to read the last paragraph. I quote: "I was not informed on which of the patients the SS intended to use the serum preserves they asked for. But I asked Prof. Dr. Wroblewski to see to it that also the SS like all other departments which used serum preserves submit reports on their experiences of therapeutic success and compatibility."

2 In the so-called Ding Diary, the use of protective vaccine is reportedly mentioned. On the 24th of March to the 20th of April, 1943, there is an entry about carrying out of a large scale experiment in forty-five persons according to the demand of the Hygiene Institute of the Wehr SS. Please, will you give us your views on that?

A In the indictment we are accused among other things of having carried out infection of human beings by means of pox, typhus, dysentery, cholera, yellow fever, and diphtheria. Apparently this accusation is based on this passage in Ding's Diary. Now I must of course say that it isn't at all easy to produce artificial infections of human beings and particularly not it never was possible to produce artificial infections in the case of diphtheria. There were experiments about this during in which it was not possible that children who had infectious diphtheria bacilli sprayed into their throats would become ill with diphtheria. This did not work. In that case we are not concerned at all with any infection but with protective vaccinations, in fact, exactly the opposite; and I do believe that any accusation along the prosecution line would not have been made against me if the context of the matter had been recognized clearly at the time.

The connections here were as follows. Since the end of 1942 the training period for recruits in the Waffen SS at home stations amounted to only four weeks. During those four weeks, therefore, apart from military training, all vaccinations and inoculations which were essential had to be carried out. In order to enable the medical officer and the command officer to carry this matter out more easily, I devised a vaccination and inoculation plan containing the exact information regarding the day when vaccination or inoculation of recruits had to be carried out.

DR. FLEMMING: This vaccination plan is Document Mrogow-sky Number 17 and can be found on page 123 of Document Book 1-A. I had to submit it as Exhibit Mrogowsky Number 40. I am only submitting it for the information of the Tribunal and will refrain from reading it. This is Document Mrogowsky Number 17, 2, 1.3, Exhibit Mrogowsky 43.

a. This vaccination plan shows that the interval between individual vaccinations amounted to an average of one week, which is the customary period. But during this one week several types of vaccinations were applied so that the entire period of vaccinations was abbreviated. We knew from long experience of the last war, particularly from the British, through White, that such vaccinations can be well carried out during a short period. Vaccination reactions aren't any more prominent than in the case of any ordinary vaccination.

But the great technical advantage was this, namely, in a short period all vaccinated persons are still under control whereas in the case of the spreading out of such vaccinations over a long period they will possibly be transferred to their stations and there are not available for observation.

One day the chief medical officer of concentration camps, again, told us that in the concentration camp Buchenwald the camp of Dutchmen had been interned. I think they num-

bered several thousand. Thereupon I asked him whether he was aware of the fact that these Dutchmen did not know any compulsion for the vaccination against pox as we knew it in Germany, and particularly that they did not know the conception of the three vaccinations during a certain prescribed time period, and that, therefore, Dutchmen weren't as completely protected against pox as Germans were. In theory, therefore, at least it had to be expected that once pox were being introduced from outside, a danger which existed at all times when numbers of so many nations were so close to each other, then a pox epidemic would occur.

Loehlin was not perturbed about this. He hadn't known these facts; and he wanted to have all his camps vaccinated against pox immediately. I told him that that was not at all a necessity. In Germany through vaccine producers under state control we had the pox vaccine at our disposal at all times. So I said that there was sufficient time to carry out such a complete vaccination once the first case of pox occurred but that I thought that it was an exaggerated precaution if hundreds of thousands of people would be vaccinated against pox at such a point.

At the same time Loehlin told me, however, that Russian prisoners of war were also infected at Buchenwald and at other camps. Here we were concerned with a different type of danger because at that time, in the spring of 1943, there were two prisoners of war camps in the Southern Ukraine where cholera had broken out, so that the possibility existed that through these Russian prisoners of war cholera might be spread and be brought into concentration camps in this manner.

In this case, therefore, immediate action was essential. I recommended to him, therefore, apart from anti-typhoids and anti-typhoids, vaccines which had been the custom for a long

time, the introduction of vaccinations against cholera in those camps which contained Russian prisoners. Goehring subsequently complained about all the vaccinations which I considered essential. He thought that this was difficult to realize in practice; but I told him, "You have to do something for the protection of your prisoners in any case; otherwise you'd become guilty of a very considerable omission." I also told him that for about six months we in the Waffen-SS had found a different method of carrying out such vaccinations; and I showed him this vaccination plan which we had used for tens of thousands of people in the Waffen-SS with the best of success and without any ill effect.

In order to simplify vaccinations against various bacilli, one vaccine, for instance, contained bacilli against four different tests. That was the so-called tetr. vaccine which had already become well-known from the previous war and which now when cholera appeared in the Southern Ukraine, though in a slightly changed and improved shape, was once again introduced. This vaccine had been developed and tried out on soldiers through one of my associates; and my associate Ditzler reported about this during a consultation conference. The entire German armed forces were vaccinated with this vaccine. In fact, many millions of people, without any incident, and with the best of success.

These same vaccines were also used for protective vaccinations in concentration camps. Subsequently in this vaccination plan we introduced vaccinations, first of all, against pox, secondly, against typhoid and paratyphoid A and B, and cholera. These vaccinations were the rule for the entire German armed forces. Furthermore, every member of the Waffen-SS was vaccinated against typhus and, because we had much diphtheria in some situations, also against diphtheria.

Loehning asked me whether he ought to vaccinate against diphtheria because, of course, occasionally we too had accumulations of diphtheria incidence in concentration camps. I told him that this was not necessary since the average age of concentration camp prisoners was higher than that of the recruits of the Waffen SS and since, therefore, no more measures against diphtheria were necessary.

Q. This vaccination plan which was carried out on forty-five people, with commercial vaccine, was that to be considered as an experiment?

A. It has been described as a large scale experiment. I am not quite sure what Ding meant by the word "grosse versuche," "large experiment", because it was carried out on forty-five people. A few pages before this very entry in the diary he is talking about another series of experiments with typhus on 145 people. If you carry out vaccinations on forty-five people, then that is not a large-scale experiment.

Q. Well, is this to be considered as an experiment?

A. That isn't an experiment under any circumstances because there is nothing in this case which had to be experimented with. Digestibility was known for a long period in the case of millions of people, both at home and abroad. I believe that here it is language which is causing us difficulties because in Germany we have only one word for something which is described as "versuche," "experiment"; and even in the case of the introduction of a new drug, very radical supplies to the troops, we talk about "truppen versuche," "troop experiments." These are not experiments in the sense of the word "experiments," the outcome of which is unknown at the outset.

It is a check-up, an examination. So that one ought to draw this dividing line in this case between check-up, examination, in the case of vaccination because that now certainly is not an experiment.

Q. But then why did you give the advice that in spite of that not the entire camp should be vaccinated throughout but that first of

all compatibility should be checked by means of a small group?

A. I knew that the average age of concentration camp prisoners was higher than that of troops and that their condition of nourishment was worse. Consequently, I recommended to Dr. Loehring that before vaccinating hundreds of thousands of people he first of all satisfy himself as to the digestibility of these vaccines under these special conditions in concentration camps. That was an act of extra precaution. As German doctors, before such large scale application of vaccine is to take place, love first of all to try the same thing on a smaller number of similar people in order to, as we call it, get check of such vaccines.

Q. Please look at the last line on page 13 of Dirs's Diary. There is mention of a repeated vaccination against pox after three months. Is that customary?

A. No, that is not a custom. You only vaccinate once against pox; but I would assume that we are here concerned with an error on the entry since previously he is talking about diphtheria. During diphtheria vaccinations, a great deal of experience with children was collected but little experience in the case of adults, something which has occurred to other medical men, too, because the necessity to vaccinate against diphtheria would generally speaking not be in existence in the case of adults. It was even that diphtheria vaccine reactions in the case of adults are more violent than in the case of children; and therefore a larger interval is introduced between two vaccinations which are necessary against diphtheria. In the case of a child the interval is twenty-eight days, in other words, 4 weeks. I would assume that here we are concerned with the second diphtheria vaccination which was to be carried out after three months and not, therefore, a pox vaccination.

DR. FLECKING: In this connection I submit to the Tribunal Document Krugowsky 17-A. It is on Page 145. I offer it in evidence as Krugowsky Exhibit Number 14. It is an affidavit from Director Demnitz; and I sub-

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mit it for the information of the Tribunal without reading from it.

At the same time I offer in evidence Document Wrugowsky Number 18, on Page 148. I offer this in evidence as Exhibit Wrugowsky 42. I should like to read from it briefly as follows:

"Vaccines against typhoid and paratyphoid fever, also cholera. In the conditions described (crowding of many thousands of human beings of many nationalities into the concentration camp) the presence of numerous bacilli carriers and the constant danger of a typhoid or paratyphoid epidemic had to be reckoned with among the inmates of the camp. Thus inoculation was a necessary preventive health measure. The pleasing fact that cases of these diseases did not occur in large numbers in the camps is probably due to this inoculation. When Russian prisoners of war too entered the concentration camps at the same time as cholera broke out among Russian prisoners of war in the Ukraine and were in closest contact with the other prisoners, there also existed in my opinion a danger of cholera, so that inoculation against cholera, too, became necessary as a preventive health measure.

"The use of vaccines manufactured by the Behring Works (typhoid, paratyphoid, vaccine T.A.B., and the so-called tetré vaccine, consisting of dead typhoid, paratyphoid A and B bacilli and dead cholera vibrios) was correct for these inoculations. The omission of such inoculations in the conditions described would probably have been termed a mistake (professional slip) by most doctors, bacteriologists, and hygienists."

Then I omit part of this document and read the last three lines of it: "Its protective value is recognized by the overwhelming number of specialists. The exact course, the tolerance of persons in regard to these inoculations and the effect of these inoculations has been known now for a long time; and therefore it is impossible to speak of these inoculations as 'experiments'".

The passage numbered VIII will not be read by me. It confirms Wrugowsky's testimony. Similarly, Paragraph IX, Diphtheria, concerns Wrugowsky's testimony; and I shall only read from Paragraph 2, approxi-

ately the center.

"Since 1930 many millions of children and a lesser number of grown-ups in many countries have been inoculated with these Absorbat vaccines. Their harmlessness and their effect, namely on children, is generally known in medical circles."

The last line at the bottom in the German: "It must be added, however, that the bacilli used neither contained living nor dead diphtheria bacilli but only bacilli which had been deprived of their poison by treatment with Ferrinol."

- Then in the final paragraph: "The vaccinations prescribed were not experiments but regular inoculations internationally recognized, such as are undertaken in all civilized and enlightened countries as a protection against a state of epidemic."

This is an affidavit from Professor Dold, Freiburg, who is one of the greatest experts in this sphere.

Q. During experimental vaccinations by Dr. Ding, did he use new vaccines which had not been tried out?

A. No, these were commercial vaccines which had also been used in the armed forces and for the civilian population as well as the Waffen SS.

Q. Subsequent to the experimental inoculations by Dr. Ding or connected therewith, was there any occasion when experimental vaccinations on the vaccinated persons were carried out?

A. Neither in connection with such protective vaccinations nor any other affections was any infection carried out. In all these cases we are concerned with the first phase of an inoculation program for all concentration camp inmates and for their protection against disease.

DR. FLEWING: I now submit to the Tribunal Document Brugowsky Number 87, Page 226. This is an extract from the Neue Zeitung, dated 7 March 1947, Page 2. I offer this extract as Brugowsky Exhibit Number 43. I submit it only for your information. It will draw your attention to the fact that 78 million Japanese are at present being vaccinated against pox and yellow fever. 5182

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Reich Criminal Police Office on that matter, nor do I know Kriminalrat Otto, who was the person in charge of the concentration camp inmates, and in the end that Ding and Grawitz only told me where criminals were used for these experiments. The fact that since the end, finally of 1933, the furnishing of these inmates was centrally done through the office of the SA in Berlin was the proof to me that actually only criminal prisoners were used for the experiments. Only criminal persons could be dealt with at the Reich Criminal Police Office, where the political inmates were subordinate to the Political Police, that is, the Gestapo; therefore offices had nothing to do with one another.

Q. How often were you at Buchenwald?

A. About three times.

Q. What did you do there?

A. Upon my arrival I went to the camp commander in order to report to him. That was customary procedure, and I was then received by the Dr. Ding, who was called to his office by way of telephone. Only by a commandant could a person be accompanied and I got through the camp. I then went with him to Block 50, and then later he pointed out the questions of vaccine production occurring in detail. I entered Buchenwald for the first time in the Fall of 1943, that is, during the war. It is possible that that was the 3rd of September, as it is maintained in Ding's report. During my first visit, I entered Block 46, too, but I already stated yesterday that at that time there was no experiment with infection carried out, and that I only saw a few patients there who had fallen ill spontaneously. I spoke to them there, and I was of the opinion that the infection experiments had stopped.

Q. Witness, Kosen and Kirchheimer have testified that your visit in Block 46 only lasted for half an hour, is that correct?

A. At the most it lasted for half an hour.

Q. You were just saying that you only entered Block 46 at this time.

Kosen and Kirchheimer on the other hand testified that you were there on

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two or three occasions, and on every occasion visited Block 46, was that a correct situation?

A. That is not true, but it can easily be clarified. Both made the statement since they were in Block 50, and it is a fact that my arrival was registered, and announced at Block 46, and that I actually did not go there, but that we visited what was called Little Camp, which was behind Block 46. On that occasion I did not enter Block 46, but I have, I think, I stated the reason for that time.

Q. Would you observe Block 46 from Block 50 where Korman and Kirschheimer were?

A. No, no other block was in between Block 46 and Block 50, if I remember correctly.

Q. Kirschchewsky maintained that when visiting Little Camp you saw the one that was both Block 46 and Block 50, is that correct?

A. No, that is not true. I don't know of any such institution that existed. That is not established that such an institution did exist, and I still don't know if it is not.

JUDGE: DR. FLORIN, now I would like to ask something about the size of these blocks, how many were in there, what is their composition, and what is their character - how many people were in those blocks, particularly about Block 46 and Block 50.

DR. FLORIN: Yes, surely. I will answer the question, and if you please answer it, please?

THE WITNESS: The size of the blocks was generally for two barracks. There were two barracks in each block, which had two floors. I estimate that they were about fifteen meters long. If they were filled with people, I could imagine that there would be about 100 people there. It was a question of how they were placed, whether in the barracks, which were on two or three floors, or in the barracks, which were on one floor. Block 50 was not using facilities. It was only a barracks. The barracks which were there were used as a dining room. Block 46 was not used as a dining room. It was better using facilities than any other of the blocks of the camp. If I recall

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from my single visit there, there was only one level of beds, there, that is, one row of beds, westward, singly. I did not see any other block at that time, and I therefore did not know how many rows it contained. I don't believe there in neither building of the blocks, the patients in any way, could have seen there more than approximately two-hundred. That, however, is a mere estimation on my part, and I believe that Dr. Hagan could tell more, or will be able to, tell how many of it.

In the wooden barracks of the camp the inmates were much closer together, especially unfavourable housing facilities were any way near Little Camp; that was the reason why I was asked by Dink to inspect the camp. This led to a report by me which I sent to Chief of the Supreme Building Offices of the SS. I communicated by air mail request to re-examine the building in Buchenwald in order to make the situation. In that camp the inmates were very close together, and more definitely overcrowded.

Q. With reference to Block 46 would you consider that Dr. Morgan's statement was correct, that Block 46 was furnished just as any modern army hospital and that patients were cared for as they would be cared for in any army hospital?

A. The impression which I gained after my short visit there was extremely favorable. The distance from one bed to another was about one meter and a half, that is the customary distance as it is to be found in hospitals. Beds were covered with white linen; on the tables there were table cloths; and I had a very favorable impression in that regard.

Q. How about the furnishings in Block 50? What were the work conditions there?

A. Block 50 was modernly equipped laboratory. It had all the special equipment which could be required. The walls of the laboratory were painted and there was running cold and warm water. The equipment had electrical current as in the case in every well furnished institution. The inmates who were employed there had numerous liberties. In particular it was not necessary for them to attend the camp roll calls. Because of danger of infection they received additional nourishment and not one member of Block 50 who was examined here has asserted that he personally fared badly. They were well nourished and had any literature at their disposal they desired and I know that literature of a professional nature, as well as fiction, was sent to them from the university library at Jena.

Q. Were the questions of the Tribunal answered?

JUDGE LEHRING: Yes.

Q. You were just saying that the inmates were well nourished. In that connection I want to point out to you that Kuzon testified that the inmates working in Block 50, because of hunger, had prepared the rabbits used for experiments for eating. Is that correct?

A. I am convinced that this testimony is correct and there is really nothing to it. The rabbits are infected starting from the nose; there is only an inflammation in the lung to be registered but never a general infection of the animal. The lung is taken out in order to be used for the production of vaccine. The carrier of typhus reacts very quickly to temperature. By mere boiling every bacterium is killed with absolute certainty. If the meat of that rabbit is thoroughly boiled there is not the least danger of any infection. I may point out that in all countries where there is food legislation and food rationing meat of animals who fell ill of tuberculosis is always admissible for human consumption. That is true of a number of other illnesses.

Q. Thank you. That is sufficient. When did the delivery of vaccines from Buchenwald start?

A. The production started in August 1943, when the first preparations were made. The real large-scale production started at the end of 1943.

Q. What were the amounts of vaccine produced monthly?

A. On the average 30 to 50 and up to 60 liters were reduced.

Q. How many portions of vaccine would you say that was?

A. 50 liters of vaccine represent 25,000 portions.

Q. 50 liters, 25,000 portions. That means that about 25,000 portions of vaccine were delivered monthly?

A. That is right.

Q. Do you testify that this is the exact way the production of vaccine was only produced a good vaccine for the selves, that was a small circle, but otherwise reduced a product which was not harmful but was not useful either. What do you know about that?

A. This is one of the most peculiar remarks I heard here. If vaccine is being reduced it is being done for the purpose of

protecting us in danger against illness and death. Especially in the case of concentration camp inmates it had to be known how extensive the typhus danger was, not only in the camps but also in the army and throughout Germany. Especially in Block 5b there were a number of inmates who were transferred from Auschwitz to Buchenwald since they were specialists and had to work there. Auschwitz was one of the largest typhus infected places which we had in Europe. We had greatest difficulties to become master of this epidemic. These typhus specialists who came to Buchenwald--and it is not to be assumed that they did not realize the extensive danger of typhus--were told repeatedly that the reason for the production of vaccines was this danger of typhus. If they now assert that they sabotaged the production of vaccines and produced a vaccine which could not be useful was not useful in any way, this, in my opinion, represents an attitude which has nothing to do with the concepts of humanity as is being expressed by these gentlemen today.

Q. Now give the reason for this sabotaging that one of the specialists in Block 5b had found out that the vaccines contained in that vaccine were not Rickettsia Provaschki but other viruses. Would you please shortly state your opinion whether Rickettsia Provaschki is recognizable or not, also why?

A. This observation of Mr. Fleck is quite understandable. There is really one matter in the field of bacteriology which is an exception in its exterior form to the typhus virus. Herr Fleck in Grossa and Lesser was dealing with Rickettsia that were bred in the house and they naturally looked much different than the Rickettsia which were bred in animal lungs. These differences are set down repeatedly in literature and it is therefore to be understood quite easily. I should like to report

to the reduction of the vaccine itself and I must say that we had two types of vaccine at our disposal. From the point of effectiveness they did not differ but they only differed because of the fact that the electricity works in Weimar had been damaged because of air attacks and we therefore had no electrical current at our disposal in Buchensald. That is why our refrigerator was discontinued working. Now if vaccine is kept too warm it changes its color but really does nothing to the effectiveness or tolerance. It is only a question of exterior appearance. Dr. Ding designated especially that vaccine which became discolored and failed to designate in any particular way the other kind of vaccine. This, perhaps, may be the reason why the different types of vaccines are being discussed. However, there was no difference in the effectiveness and it is technically not possible because it originates from the same phase of production.

Q. Could you exercise any influence on the distribution of the vaccine?

A. Generally, no. The vaccine was sent to the central depot of the Weissenhof at Berlin. This was done because all the requests for vaccine and drugs were directed to this central depot by all physicians and it was from there that distribution was carried out. I may point out that only part of the vaccine, I think a third, was used for purposes of the Weissenhof, whereas the larger part, about two-thirds of the entire production, was placed at the disposal of the concentration camps and was distributed among inmates for their protection--naturally only in those cases that were endangered by typhus.

Q. I am submitting to the Tribunal, document Dragowsky 25, which can be

found on page 164 of the Document Book 1-A, Krugowsky 25, page 164. I offer it as Exhibit Krugowsky 44. This is an affidavit by Karl Heinrich Wehle, the head of the Main Medical Depot of the Wehrmacht SS. I only submit it for the notice of the Tribunal.

At the same time I refer to Document Krugowsky 26, which is to be found on page 167, which I already submitted as Krugowsky Exhibit 5, and I shall quote from page 170, paragraph 7, which so far was not read. This is the affidavit of Dr. Karl Blumengraber and paragraph 7 reads as follows, and I quote:

"... By far the greatest proportion of the typhus vaccines produced in Buchenwald and of the additional typhus vaccines procured through the central medical service depot was transferred to the concentration camps and could be so transferred because the vaccinations ordered to be carried out in the military SS divisions, so far as these were subordinate to the armed forces during their mobilization, were undertaken by the medical service of the armed forces."

I further submit an excerpt from the testimony of Generalarzt Dr. Schreiber which he made on 25 August 1946 before the International Military Tribunal. This can be found in the German transcript of the International Military Tribunal on page 15747. This is Krugowsky Document No. 27 and can be found on page 173 of the document book. I offer it as Exhibit Krugowsky No. 45. Answering the question, "What scientific value did the experiments of the specialist Ding have?" Generalarzt Dr. Schreiber answered, "In my opinion they had no scientific value at all because during the war we had already gained such experience and collected a great deal of data in this field. We were thoroughly acquainted with the composition and qualities of war vaccine and no such tests were required any longer. Many of the vaccines examined by Ding were not used any more at all and were rejected."

Would you define your position to that statement?

A. I do not know how Schreiber can express that opinion, nor do I know whether he is in possession of full knowledge of the results of this

work. I never discussed this question with him and I therefore cannot examine it. That much is clear, however. Schreiber is speaking of a later period of time for the vaccines that were no longer produced were not produced because the experiments of Ding had proven their inferiority. The epidemiological examination of the various vaccines during the war only originates from a later period of time, in particular the years 1943 and 1944. The exploitation of these experiences only originates from the last years of the war and it is therefore my opinion that this testimony of Schreiber is incorrect.

Q. I interrupt you and I shall have Exhibit Handloser 14 shown to you, from Handloser Document Book 3. We are here concerned with an excerpt of a scientific thesis by Geheimrat Otto. Do you know Geheimrat Otto?

A. Yes, I know Geheimrat Otto. He is probably the best typhus expert of not only Germany but Europe, who dealt with typhus throughout his life.

Q. From this excerpt you will see that Geheimrat Otto says, still in 1943:

"While the efficacy of lice vaccines has already been tested on a large scale in Poland, Ethiopia, and China, and the vaccine has proved its value, it is still necessary to gather large scale practical experiences with lung and vitelline sea vaccines. In animal experiments they have proved of equal value with the former."

Would you say something on that?

A. Professor Otto is saying here that even in the year 1943 the chicken egg vaccine and the vaccines from lungs of animals were not sufficiently known. That confirms what I have just testified and that is in answer to Dr. Schreiber's statement.

Q. The witness Berhardt Schmidt, who was interrogated here, stated that human experiments were superfluous for the purpose of testing vaccines and that the value of the individual typhus vaccines could have been ascertained through an epidemiological way. What is your point of view in

that connection?

A. This is my opinion also. It is my opinion that these tests could have been carried out in an epidemiological manner. I represented that point of view before Grevitz and Hinder from the very beginning.

Q. You stated already yesterday that when testing this matter in an epidemiological way a large number of persons would have to be vaccinated and to be compared with a large number of persons who were not vaccinated. Would such a long experiment have been possible considering the circumstances as they prevailed during the war?

A. Such a test would have been possible. It was actually introduced by me within the framework of the Ministry. It is a matter of course, however, that the results can only be collected at a very late date and can only be exploited at a much later date. In the case of the entire experiment we were concerned with bridging over this space of time.

Q. In carrying out this examination one could have found out that one vaccine has only a very small effectiveness, as was actually found out in the case of the Behring vaccine. In that case would you say that the mortality of persons vaccinated with the inferior vaccine would have been much greater than the entire amount of fatalities as they occurred in Buchenwald? You know that the statement regarding the fatality figures fluctuated between 100 and 120.

A. That could be assumed to be the case with certainty. Comparison is the manner in which all tests are carried out in this field. I shall give you a few examples for that. When Emil von Behring in the year 1890 discovered the

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diphtheria serum it was at first used by a physician of the Berlin Charite in the case of diphtheris infected children. He treated about 1200 children suffering from diphtheris with that serum. He registered a mortality rate in the case of those children, in spite of the treatment, of approximately 12 percent. Just as many children did not receive the serum but were treated in a different manner. In this group the mortality rate was double, approximately 44 percent. There were 240 or 250 children who died and who were in that control group certainly could have been saved if they had been given the blessing of that diphtheris serum. But that was in reality the purpose of that test and one had to take into account that a lesser ratio of mortalities would result in the control group and that then the value of the serum would be recognized.

Q. I think that this example will suffice. In that case you are really drifting that an objection against experiments in Buchenwald could not be justified?

A. During the war I did not work on any disease as ardently as on typhus. I treated thousands of patients who fell ill of typhus and examined them. I believe that in the case of such an experience one gains some knowledge of the disease. I often considered that question and I held the opinion that an objection at the time was perhaps not justified by events. On the other hand it is my opinion that in the case of every task one has to keep the question in mind whether one is in a position to execute that task. I don't sit ever today that in spite of the success of the experiments, which cannot be denied, I could not similarly adopt another position and would assume the same attitude as I assumed at that time. Even today I would be prepared to carry out such exper-

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ments personally or have them carried out upon my responsibility, although a success would be about undoubtedly.

MR. WARDY: Your Honor, it seems to me that Dr. Brugowsky has quite covered the typhus field now; we have heard all about vaccines of all sorts and the theory of typhus; the question here is whether or not he artificially infected anyone with virulent virus, one of the main reasons for his being here. I think we could curtail this examination considerably if we consider that this background material now is sufficient.

DR. BRUGOWSKY: The question which I just put was the last question in the typhus field. I am now going over to the yellow fever vaccine, which is described in the Ding Diary.

THE PRESIDENT: While there was some testimony on the part of the witness on the stand possibly not particularly relevant, the Prosecution introduced the Ding Diary in evidence in its entirety and it is pertinent for the defendants to attack the reliability of the diary any way they can. In the event, counsel for the defendant Brugowsky has now finished, according to his statement, this particular phase of the evidence. Counsel may proceed.

Q. You know the entry in Ding's diary dated the 10th of January 1943 regarding the yellow fever tests. Did you know of these experiments?

A. Yes, I knew of these experiments. I knew about the test of the vaccine. They really were not experiments. They were tests of vaccines. I suggested that to Grawitz and he ordered it.

Q. For what reason did you initiate that test?

A. I initiated that test because at that time new German divisions, among them divisions of the Waffen SS, were being committed to the Africa Corps. The intended campaign of the Africa Corps was to aim at Dakar and would have landed us into yellow fever danger spots. Therefore, in the framework of all other preparations of this campaign we carried out preparations concerning protective vaccination against yellow fever. The entire preparation was in the hands of Grawitz who was concerned with planning.

Q. Was any danger to the vaccinated persons connected with the yellow fever tests?

A. No. This vaccine is produced by virus which is no longer in a position to bring about pathogenesis in the human being. In Germany we have no yellow fever virus at our disposal which is pathogenic to human beings. This vaccine, however, is in a position to bring about immunization to yellow fever. A danger to one's self is out of the question from the start.

Q. Was the yellow fever vaccine a new vaccine or was its tolerance and effectiveness known?

A. The vaccine was produced according to a proven French process. All colonial troops in central Africa and large parts of the population of Central America were vaccinated with the same vaccine. The entire expeditionary corps of America which entered central Africa had to be vaccinated with a similar vaccine. It is a matter of course that throughout the time millions of such vaccinations were carried out and not one danger to one's self became known.

Q. Why did you initiate a test of that vaccine if it was so well

known?

A. We had no personal experience about that vaccine. Dr. Schmidt testified here that it was difficult to transport because it had to be kept cold and frozen. A special transport vessel had been developed for that purpose and in order to overcome the technical difficulties in dealing with that vessel it was necessary that the physicians become acquainted with the technicalities concerned with that vaccine.

Q. Were infections carried out in order to carry out the effectiveness of that vaccine?

A. No, I already stated that we had no pathogenic virus in Germany and, therefore, could not carry out any infections. In this case only two or five cubic centimeters of blood were drawn in order that in this manner the immunity might be discovered for experiments on men.

Q. Did you get reports from Ding about results of these tests?

A. Yes.

Q. Do you know whether volunteers were used for these tests?

A. Yes, only volunteers were used. Ding states that in his own declaration, which is Ex. 276, Exhibit 283, and he says that he knows of a list and that in such cases many hundreds of volunteers could be found for such vaccines since they did not have to work for four weeks and since they received better nourishment as a result.

Q. I now turn to the gas gangrene experiments. When examining the defendants Handloser, Gostick, Schroeder, Benken, and the witness Bernhard Schmidt, we have heard to what extent gas gangrene became prevalent at the front. I refer you to the Document 378, Prosecution Exhibit No. 248, which is before you in Document Book 12. I shall have it submitted to you. Would you please tell the Tribunal whether, in connection with gas gangrene, there was an extreme necessity in concentration camps and in the army in order to discover protective means to combat this disease?

A. It was pointed out frequently that no infection can be taken so seriously in the surgical field as the infection by gas gangrene since the mortality in case of these injuries was very high. In concentration camps,

as Noeling told me, we often had cases of gas gangrene. Therefore, the acid works suggested to apply vaccine in the same manner as in the case of diphtheria. This was carried out by these works sometimes in cases of tetanus. Such vaccine against gas gangrene was produced by Behring Works and was applied on students at Karburg University at first, about which a publication is available. I received a small part of this gas gangrene toxin in order to protect people in danger. This gas gangrene toxin I gave to Noeling and he used it at Buchenwald. The chart is available about persons where this vaccine was used and this is to be found in Document Book 12, and it becomes evident from that that there is even an increase in temperature in the case of that vaccination and that we are here concerned with a completely harmless project which has nothing at all to do with an infection.

Q. Dr. Ding in an affidavit, Document 257, Exhibit 283, in Document Book 12, which is before you, stated that at the Military Medical Academy a conference took place on the question of gas gangrene serum. What do you know about that?

A. It is correct that such a conference had actually taken place. Whenever gas gangrene occurred a large amount of gas gangrene serum had to be used for treatment in order to insure success. That does not only include ten or fifteen cubic centimeters but four to eight hundred cubic centimeters which is introduced into the patient in the course of a few days. In Germany all serums which are obtained from animals, mostly horses, in order to maintain their bottom receive phenol and carbolic acid, and that 0.5% - i.e., in the amount of 400 cubic centimeters I added a concentration of two cubic centimeters phenol acid. This amount is, of course, far above the tolerance in the case of human beings. Carbolic acid is one of the strongest acids we possess. When treating people with gas gangrene serum a number of cases of death had occurred. It was discussed whether we were concerned with cases of serum death which came as a result of the serum or whether we were concerned with the phenol addition. Ding and I participated in that conference with others.

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THE PRESIDENT: It is now time for recess. The Tribunal will be in recess until 0930 Monday morning.

(The Tribunal recessed until 0930 hours, 31 March 1947.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 6

Target 3

Volume 15

Mar. 31-Apr. 8, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 15**

**TRANSCRIPTS
(English)**

31 March - 8 April 1947 pp. 5198-5593

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
31 March 1947, 0930, Justice Seale presiding.

THE PRESIDENT: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of
America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are all
present in court.

THE MARSHAL: Yes it please your Honor, all defendants are present in
the court.

THE PRESIDENT: The Secretary-General will note for the record the
presence of all the defendants in court.

JOSEPH BRUGOVSKY - Resumed

MR. BRUGOVSKY: May it please your Honor, I have several matters to call
to the attention of the Tribunal. One is concerning the case of the Defendant
Wolfram Sievers. I received notice on Saturday that the Defendant Wolfram
Sievers is calling four witnesses, one a Dr. Edmund Tel who will testify as
to the defendant's participation in the solar and sea-water experiments.
The prosecution, of course, has no objections to calling of that witness. The
second witness is a Dr. Frederic Hilscher who is to testify as to the defend-
ant's activities in the registered movement. The prosecution has no objection
to the calling of that witness. However, defense counsel has expressed the
intentions of calling two witnesses named Dr. Franz Borgeson and Dr. Edward
Topp. These two witnesses, your Honor, are to testify, as it states on the
notice received by the prosecution, as to the personality and political
activity of the witness, Dr. Frederic Hilscher.

Now, I submit that this is a most unusual procedure, that is, calling
two witnesses to testify as to the character and activity of another witness.
Hilscher is not on trial here, and we would like to object at this time to

the calling of the last two witnesses in the case of the Defendant Wolfram Siemers; and my reason for doing it at this time is so they won't be going through the burden of bringing these two witnesses to Nurnberg and not having them testify here. Therefore, I request a ruling from the Tribunal in connection with the two witnesses.

THE PRESIDENT: The Tribunal has not yet received the formal application for the calling of these witnesses.

DR. WEISBERGER (Counsel for the Defendant Siemers): Mr. President, in my opening speech I pointed out that an essential argument in the defense of my client is his membership in a resistance movement against the Nazi regime. I realize that this line of defense particularly has to be handled with great conscientiousness, and I also realize that there is not inconsiderable scepticism in this respect. If not before this court, at least in other trials before German courts today, membership in a resistance movement is frequently referred to and for that reason I was of the opinion that this line of defense for my client would have to be given such a firm foundation that the Tribunal would be put in the position to get an objective and clear picture. I have called the witness Dr. Hilscher for the activity of my client in the resistance group which he directed. Now, it is my argument that in respect to this witness particularly, the court should be informed about the extent, the development, the nature, and the significance of his resistance activity in order to be able to judge whether the activity of my client within this resistance group had the significance necessary for judicial judgement and, there, I am of the opinion that to give a firm foundation to the activities of the witness Hilscher these other two witnesses must absolutely appear here before the court. I believe that this is more easily possible since for these two witnesses, Dr. Tiedt and Borgmann, I will stand at the first one morning or one afternoon session, and I consider these two witnesses so important that I ask the court to approve my application.

THE PRESIDENT: The Tribunal will rule upon this question at the opening of this afternoon's session.

THE CLERK: Your Honor, I have another question concerning Dr. Horn,

the witness that we discussed on Friday last. I has been called to my attention this morning by defense counsel for Kohn that he would like to call Dr. Kohn to the stand upon completion of the direct examination of the Defendant Wragowsky. Prosecution has no objection to that procedure either.

THE PRESIDENT: Counsel may proceed with the examination of the witness on the stand -- Just a moment. To the Secretary-General, I will return those applications for the calling of those witnesses for the Defendant Siwara. If the file can be completed this morning we will rule on it at 1:30. See if the file cannot be completed this morning.

Counsel may proceed.

PIECES EX. IN TIME (Continued)

BY DR. FLEMING (Counsel for the Defendant Wragowsky):

Q. On Friday, before we adjourned, we were speaking of the discussion at the Military Medical Academy, which Dine mentioned in his affidavit, WO-257, prosecution Exhibit 283 in which occurrence of deaths after the application of gas and gas serum at the front were discussed. You said that the phenol content of the gas and gas serum was discussed. The possibility was discussed that the phenol content in the large doses of gas and gas serum, which had to be given, approached the limit of compatibility. Did you give Dr. Dine an assignment on the basis of this discussion to test this phenol question?

A. Yes, I told him to study the literature and that he was to make use of the libraries of the pharmacological and legal medicine institutes in Jena. He had contact with these institutes.

Q. Did you give him the assignment to participate in euthanasia with phenol?

A. No. I never heard anything about them, about his having carried out such euthanasia, or of such killings having been carried out.

I could not, therefore, have given him any such order.

Q. You are aware that in an affidavit of your co-defendant Hoven it is stated that Ding himself carried out killings in Buchenwald with phenol. Had you given him an assignment to that effect?

A. No, I did not give him any such assignment, and there was no occasion to do so because death by phenol is well known in literature; simply reading the works on the subject would have sufficed.

DR. FLEMING: Mr. President, I submit the Document Brugowsky 28. I should like to submit it as Brugowsky Exhibit Number 46. It is on page 174 of Document Book 1A, Brugowsky 28, page 174, Exhibit 46. It is an affidavit of Professor Killian, who is a University professor at Halle/Saale. He says, "In 1941-1943 I was consulting surgeon with the 10th Army in the East. We had experienced numerous cases of death and damages to the circulatory system due to the effects of gas gangrene serum. In my opinion, these bad effects cannot only be attributed to the inoculation of great quantities of unrelated serum, but also to the addition of one-half percent phenol, as is prescribed by law. Since up to 150 ccm of gas gangrene serum - sometimes even more than that - was injected intravenously in the field, in my opinion the total quantity of phenol added then approached a dangerous state. This became obvious after four of my collaborators had had themselves injected intravenously with phenol kitchen-salt solution of 0.5% density. All of them showed typical signs of phenol poisoning to a different degree. In a letter to the medical inspectorate I called their attention to the disappointing effects of the gas gangrene serum and to the detrimental effect of phenol, and made proposals for a change. Consequently, I was officially ordered to report during my stay in Berlin to Oberstarzt Professor Schreiber,

who was a specialist on this matter. Present at this conference were Professor Mrugowsky and a junior physician whose name I no longer remember. I did not know any of the three gentlemen; I saw and spoke to them then for the first time. Apart from a few general questions concerning bacteriology, we discussed mainly the gas gangrene serum problem. I had to give an exact report about what took place at the front and about the symptoms of poisoning. The discussion then took two directions: First, if it were possible for industry to substitute a harmless disinfectant for the dangerous phenol and which one of the many substances would be suitable for this purpose."

Number two is not important. And I can skip the next paragraph too. I come to the last paragraph:

"I will remember the substance of the discussions and declare that no mention was made of any experiments in a concentration camp or of achieving euthanasia by injecting phenol. Such considerations never even came up for discussion, let alone an order in my presence by one of the medical officers. This would certainly have remained in my memory. I may add that a reason for such experiments did not exist since the symptoms of phenol poisonings are well known and may be found in any book on pharmacology. Apart from this, the question had been sufficiently settled by the above-mentioned experiments which the physicians had carried out on themselves. I am convinced that Dr. Ding's statements are not true." Signed, Professor Killian, and certified.

4. On the basis of the assignment to inform himself from literature about phenol poisoning - this assignment which you gave to him - what did Ding report? Was the question of gangrene serum and the deaths resulting from it settled?

A. Ding's report was given on this assignment. I waited for his report for some time and when it did not come I myself read up on this question. Then I was no longer interested in his report.

Q. On page 30 of the Ding Diary it says that a special experi-

ment on four persons on behalf of Gruppenfuehrer Nebe was carried out. What do you know about that?

A. I have already mentioned the case of Hauptscharfuehrer Koehler who was at the hospital at Weimar, who died from poisoning. To his death and autopsy inaccurate statements were given. It was said that they occurred in the concentration camp Buchenwald - which is not true. At the discussion of the autopsy findings in the Reich Criminal Police Office the opinion had been expressed that this death might have resulted from perritin in connection with a sleeping drug. I participated in this discussion.

DR. FLEMING: Mr. President, I have already submitted Document Krugowsky 29, Exhibit 36, on page 177 of the Document Book 1A; Krugowsky 29, Exhibit 36, page 177. When I submitted it I read the first one and one-half pages. I should now like to read the following portion on page 178, in the middle. "Professor Dr. Timm" -- that is, the forensic medical expert from Vienna who performed the autopsy on Koehler -- "came to the opinion that there were two possibilities existing: First, that a South American poison had been used which was totally unknown to us and which dissolves itself completely in the human body; second, that a combination of drugs had been used: one drug had excited the circulation until it brought it to the point of exhaustion, the other drug had acted as an antidote. Professor Dr. Timm spoke of the possibility that perritin had been used together with a soporific. The idea that a South American poison had been used was rejected from a criminological point of view. From a technical point of view the second possibility would have been quite possible.

"I had to report the case to the Reich Main Security Office. Subsequently, a conference took place in the Reich Main Security Office at which quite a number of persons were present. The chief of the Reich Main Security Office, Gruppenfuehrer Maeller, presided. Gruppenfuehrer Nebe of the Reich Criminal Police Office

was also present, as well as Professor Dr. Brugowsky. At the conference various persons, among others also Dr. Brugowsky, pointed out that Pervitin was not a poison, that it could be obtained without a prescription. One of the gentlemen present pointed out that in America experiments were carried on where up to 100 tablets of pervitin were administered and the effects were not fatal. But no one present could answer the question of whether a combination of pervitin and a soporific would be harmless or whether it would lead to an increased reaction in any one direction. The latter appeared improbable to the experts. In order to settle this question Gruppenfuhrer Mueller ordered that an experiment be conducted. He ordered that Dr. Ring, whom he knew, should conduct this experiment in Buchenwald.

"It was ruled that in this experiment, which was to settle purely the criminal side of the question, only minute quantities of pervitin and soporific should be used since it would be impossible to give large quantities of pervitin and a soporific unobtrusively to a prospective victim of a crime. Moreover, larger quantities of these drugs would have been found in any case by means of a chemical analysis. The scientific theoretical problem concerning the harmfulness or even deadliness of maximum doses did not interest any one.

"I was present at the experiments at Buchenwald.

"Five persons were present & to us for testing, because Gruppenfuhrer Mueller had ordered experiments to be conducted on five persons. I checked the papers of the persons to be experimented on prior to the experiment. They were Russians drafted who had deserted, or workers, who had formed a gang, stolen and plundered, and had even been charged with murder. They all had been sentenced to death before a special court in Germany. Gruppenfuhrer Mueller had already previously been given the order for execution.

"I had agreed with Dr. Ding that a preliminary experiment should be made on three persons to see the kind of reaction this combination had on the organism. Some of the condemned could speak German. They were told that these experiments were neither dangerous nor painful, and that by taking part they would at least put off their execution. Thereupon they all volunteered. Dr. Ding chose three of them. They were transferred to Block 45. There they were given a dose of Pervitin and a subcutaneous injection of a septic. They then had to go to bed. They fell asleep. Their sleep was very restless. One of them slept for 20 hours. The others awoke a little earlier"

Then he says that he told them about the symptoms which Mueller had shown, and that the experiment was considered completed. In the last sentence of the next paragraph he says: "Therefore, I told Dr. Ding that he should not make any more experiments, and I reported this to Gruppenfuhrer Mueller." I shall read the last paragraph in another connection.

According to the affidavit of Dr. Morgan, Mueller ordered Ding to carry out the experiment at Buchenwald. Did you receive a report on this experiment?

A. No, I did not receive a report on it.

Q. How could Mueller order the execution, Ding was not his subordinate?

A. If I was called to a discussion outside of my actual sphere of work I had to inform my chief, Grawitz, of it; and that I did in this case, I told him that I knew all about Forvitin. Together with my driver I had frequently taken large doses of it, but I also knew, from literature, that Forvitin was never fatal. On the other hand, this Gruppenfuhrer Mueller was one of the most powerful and, no doubt, one of the most dangerous people in Germany. He was head of the Secret State Police, the Gestapo, and it corresponds to the entire nature and character of Grawitz that he wanted to please this man. Therefore, in my presence, he spoke to Mueller on the telephone, and Mueller explained his point of view unto me, and thereupon Grawitz agreed that Ding was to fulfill Mueller's request.

Q. Now I come to another point. The prosecution has submitted Document WO-201, Prosecution Exhibit 290, which is not in any document book. It is a report from you to the Reich Criminal Police Office. It deals with Acenitin. I shall have this report read to you. Do you have it?

A. No.

Q. I shall ask you to account for it. You remember the report?

A. Yes.

Q. You know that General Wagner, in his opening speech, said that this experiment with Acenitin had not been conducted in order to find an antidote against Acenitin but in order to ascertain how long it takes to kill a human being in this manner. Please tell the Tribunal whether this concerned an experiment.

A. This was not an experiment in the actual sense of the word.

word. It was the legal execution of five robbers, and some special facts were to be ascertained during this execution. The details were as follows: One day the chemist of the Reich Criminal Police Office, Dr. Wischni, came to me. He asked me to attend an execution as the official doctor. As the reason for this request he added that in the Government General in Poland a high official had been injured when he was attacked with a revolver; that the bullet had inflicted only a harmless flesh wound, but nevertheless the person had died after a few hours, with symptoms of poisoning. The person who had attacked him had been arrested, and the rest of the ammunition was a hollow ball which contained a crystallized poison. The Chemical Institute of the Reich Criminal Police Office tested this and found that it was aconitin. The ammunition was of German origin. There is no aconitin in Poland, it is imported. The question was whether this was the first case of the beginning of a poison warfare against Germany, so that such a method of warfare for some time. For this reason there was not only original interest in carrying up this case but a general interest of the greatest importance. This ammunition was to be tested on 5 robbers who were to be executed anyhow, and it was to be seen whether this crystallized poison contained another poison which had not been found in the chemical tests. The rest of the original "execution ammunition" was to be used, and also German ammunition which had been made in imitation of the Russian. At the same time - and this was the main purpose of the experiment - it was to be discovered how much time would be available between the injury and the appearance of the symptoms of poisoning, in order, if necessary, to be able to use an antidote. This question was of such great importance because an antidote against aconitin

is hardly known, and if this had actually been the beginning of the poison warfare, then efforts would have to be made immediately to find an antidote. Therefore, the head of the Reich Criminal Police Office asked me, and the Chief of the Criminal Technical Office also asked me, to participate in the execution myself, although that was not actually my work but Dr. Wittmann said he did not know of any toxicologist except one in Berlin who had all been drafted, and as a bacteriologist I had a certain amount of experience in symptoms of poisoning connected with bacterium and therefore he asked me to take over this job. I was rather unwilling to do so. I pointed out to Dr. Wittmann that the Order Police, the regular police in Vienna, had a pharmacologist who was very experienced and I suggested that he should be called upon; but this was not done because of the poor connections resulting from the air warfare. Since, on the other hand, this question was doubtless of great significance and should not be postponed, I finally declared myself willing to fulfill this request. In accordance with the purpose of this job I made not only the usual report, but a rather more detailed report on the symptoms of poisoning. This is the report which we have here in this prosecution document.

Q. You have said that this ammunition which was captured was of Russian production how can that be proved?

A. The prosecution itself proved that. This document NO-290 is followed by a part of the files which were not included in my report. There are 3 drawings of cross-sections of these bullets which were made and handed in to the Institute. The heading is "Poison bullet from a Russian pistol, calibre 7.65" and details about the construction of this bullet.

Q. You say that this photostatic copy of the bullet was not

rest of your report. Now is it to show? Will you compare the stamps in the diary?

1. The report which I handed in is dated 12 September 1944, and then the next day it was received by the Criminal Technical Office, and the receipt stamp carried the number 18,000 53. The drawings, however, have a different secret journal number, that is, 15/1044. If the number G-53 was in September, then, if the distribution of latrines received is assumed to be even, then about the year, I should say that the Criminal Police Office received these drawings in March of the same year. At that time I did not know anything about this attack, and the operation had not been started yet. Nor did I know any details about the possibility of such a prison warfare.

2. Who was present at the execution?

3. Dr. Ding, who is supposed to be in Berlin and who I took with me in order to support my observations; it was he who conducted the actual medical examination. I myself merely ascertained the occurrence of the death. Also Dr. Witten, representing the Criminal Technical Institute, also a representative of the camp commandant, I believe the adjutant, and an Untersturmführer who performed the execution, that is, actually shot the people. It is possible that there were others who I do not remember and whose names I do not know.

Q Did you investigate in any way who these people were who were executed, and by what court they had been condemned to death?

A I talked with the people, they understood German, they were apparently Germans. I considered them racial Germans (Volksdeutsche) or what we had large numbers in Germany at that time. On the other hand, I knew that in concentration camps executions were carried out, and I had been told that this was an official matter of course and that there had to be an official representative of the camp commandant present. The fact that such a representative was present at this execution was sufficient for me to assume that the matter actually was official, and on the other hand, I had no opportunity to be informed of the sentence or anything like that.

Q Then you did not see the death sentence order before it was carried out?

A No, I did not have the opportunity because the doctor is merely called into an execution to ascertain when death occurs, but I am convinced that it was not my duty to examine the sentenced order, nor I had nothing to do with the actual execution. The order was given by the representative of the camp commandant; someone who was attached to the commandant's office actually shot the people, and I was merely there to ascertain when death occurred and to note the symptoms of poisoning, but Dr. Dieck did the latter for me. The official information from a high authority was sufficient proof to me for the legality of the execution.

Q In the case of two of the five robbers, the poison had no effect. You saw the suffering of the other three from the poison; why did you not shorten this suffering?

A The sight of this execution was one of the most horrible experiences of my life. On the other hand, I could not shorten the suffering for in the first place there was no anti-

dote against ecnition available. If it is in the circulation then there is no possibility of removing it. In the second place, it was the express purpose to find out how long the symptoms of poisoning last in order in later cases to be able to use an antidote, which it was hoped would soon be discovered.

Q Did you know that executions in Germany can only be carried out by shooting, by hanging, or by beheading, and did you not have any misgivings when this execution was carried out in a different way?

A I am not a jurist, I do not know the methods of execution. On the other hand, I have already said that, in my opinion, the state itself has the right to determine the method of death for its citizens in war time and doubtless has the right to determine the method of an execution. Here the suspicion was arisen that a poison war was beginning against Germany. This seemed to be supported by the finding of poison Russian ammunition. Since the investigations were carried out by the highest authorities in the Reich, I had no doubt about the juridical admissibility upon which I, as a doctor, had no influence.

THE PRESIDENT: Witness, were each of these men struck by more than one bullet, or only by one bullet each?

THE WITNESS: Each one was shot only once in the thigh; two of these five persons were immediately killed by another shot, because the first shot of the poison ammunition had hit the artery in the thigh and their suffering was immediately stopped; but the others had only flesh wounds and after a certain period of time symptoms of poisoning appeared; that was three people.

MR. HERRING: Did you have anything else to do with the previous history of this execution?

THE WITNESS: No.

DR. FOLLMER: Mr. President, I should like to reserve the right to further clarify this case I submit the files of the Reich Criminal Police office when I receive them.

On the 17th of December 1946 I applied for the submission of these files. On 23 January 1947, I reminded the Secretary General of this in a letter; on the 7th of February 1947 a letter from Mr. Reiser to the Secretary General recalled the letter once more, and on 5 March 1947 I talked to Captain Rice of the Secretary General's office. The Secretary General has not yet succeeded in giving me the files, therefore, I ask to reserve the right to submit them later. I am convinced that the state of affairs can be proven clearly from these files. I am also convinced that the files must be available because, as the defendant Krogowsky has already stated, the prosecution has submitted two separate pieces from these files which have no connection with each other. For this reason, I ask to reserve the right to submit this document later.

THE PRESIDENT: Will the representative of the Secretary General's office make some investigation and find out where that application by counsel for the introduction of these files now is and endeavor to expedite it to the Tribunal?
BY DR. FOLLMER:

Q Do you know any other indication of the danger of a poison warfare, which might justify the measures, which were taken on the basis of the discovery of Russian poison ammunition?

A During war the use of poison is frequently mentioned, and it cannot be proven, but on the other hand there is an old proverb, "That every new war begins where the old war stopped." In 1941 I knew that the famous American physiologist Henderson during the first world war had received an assignment from the American War Department to produce poison ammuni-

nition for use at the front. Fortunately, it was not used but since America was at war with us, it was a possibility that such use of poison ammunition could be feared in this war. Moreover, I knew of the use of poison in case of sabotage on several occasions. For that reason, I thought that if such an example occurred as this case, there was a reason for the assumption that poison warfare was actually being opened against Germany.

DR. FLEMING: Mr. President, I should like to submit an excerpt from the book "Adventures in Respiration," the authorized translation from the English. This is Document Krugowsky 31. The book itself I shall submit to the prosecution as soon as I have it from the library. I ask that the document be admitted as Krugowsky Exhibit 47. It is on Page 188 of the German and English document book, Krugowsky 31, Exhibit 47, page 182.

MR. HARDY: May it please your Honor, we have here merely a copy of an extract from this book. It states "Excerpts from the Authorized German translation of the book 'Adventures in Respiration.'" I have read this over and I cannot see the materiality of this document in this case. Further on I do not think it is properly authenticated to be introduced in this form. So that as it say, I shall formally object to the admission of this document into evidence.

DR. FLEMING: I merely want to draw this document to the attention of the Tribunal; and I ask permission, as was given in other cases, to give the book itself to the prosecution, if now it is a library book which I cannot find in personally. I think that this excerpt is important for the defense because it says that even in the previous war the development of poisoned ammunition was worked on, so that one had to assume the danger of such ammunition being used at the front, especially if Russian ammunition was actually found to contain such a severe poison as arsenite, not only one case but at least a whole clip of a pistol.

MR. HARDY: Your Honor, I submit again that this document here concerns a war between the North and the South and assignments by the United States War Department. I don't see what the materiality is. It is not material at all to this issue; whether they first poisoned bullets in the Civil War

in America doesn't have any bearing on it.

EXAMINATION

BY THE TRIBUNAL (JUDGE SEHRING)

Q. "Witness, are you familiar with this excerpt from the German translation of the book "Adventures in a Spiration" by Wendell Henderson?

A. Yes, I know the book.

Q. Can you say for the benefit of the Tribunal when you first read this book or became familiar with its contents?

A. The book was published in 1941 in the German translation, if I remember correctly. That is at the beginning of the campaign in Russia, approximately. I learned to know parts of it at that time. Now, here I was reminded of this excerpt when working on the trial; and I have read this passage which I had read previously.

Q. But prior to your preparation for this trial, which I see you began in the year 1945, had you ever read this particular excerpt which is now being offered by your counsel in evidence?

A. Yes, I had read that previously. I merely reread it again

Q. Can you as to the approximate date upon which you first read this excerpt?

A. It might have been about 1942. It was shortly after the German translation was published, certainly before this trial, this examination.

MR. FLEMING: Mr. President, may I point out that the prosecutor said that this quotation which I want to submit refers to the American Civil War. That is not correct. It was worked on by Henderson in the First World War, 1914-18. After America had entered the First World War, Henderson did this work. Also, I see that the heading says "Henderson." His name

is really "Renderson" with an "n"; and I ask that the document be admitted.

THE PRESIDENT: Is the counsel for the prosecution familiar with this book?

MR. HARDY: The prosecution has never seen the book before, your Honor, and has not seen it yet.

THE PRESIDENT: Has counsel for the prosecution ever heard of this publication?

MR. HARDY: Not until I saw the extract in the document book, your Honor.

THE PRESIDENT: When did counsel notice this alleged extract from the book in "Rugowsky's document book"?

MR. HARDY: Pardon, your Honor?

THE PRESIDENT: I ask, when did counsel first observe this Rugowsky document number 31, which is now the subject of this argument?

MR. HARDY: I believe I observed it this morning before I came to court when I was checking over the documents in the book. Another point that I might bring out in connection with this document, your Honor. There is no concern here about medical experimentation on human beings. In this extract it doesn't tell whether or not they proposed experimentation on human beings or on animals or what they intended to do with any results of poisonous work on behalf of the War Department.

DR. FLETCHING: Mr. President, the document does not refer to experiments but its contents helped in making it necessary when Russian ammunition was found to take up the question because this was one of the reasons for assuming that possibility. That time will be available to try to save the wounded persons by these antidotes? To that ex-

tent this document is in direct connection with the experiments conducted on human beings.

THE PRESIDENT: The objection will be overruled and the document will be admitted in evidence. The book should be furnished to counsel for the prosecution so that counsel for the prosecution may examine the book to which counsel has referred, from which this is an excerpt.

DR. FLEMING: Yes, I shall see to that, Mr. President, then I should like to submit Document Krugowsky 32 on Page 184 of the document book; Document 32, Page 184, which I offer as Exhibit Krugowsky 48. This is an affidavit of Prof. Flury at Muenzburg, Krugowsky 32, Page 184, Exhibit 48. I should like to read merely Number 4, one sentence in Number 5, and Number 6.

Prof. Flury says in Number 4: "Neonitin is effective both when administered through the mouth (peroral administration) and when introduced in such a way that it does not pass through the alimentary tract (parenteral administration), for example, injections."

From Number 5 I shall read only the last sentence: "With poisons like neonitin, which are easily and quickly absorbed, death occurs after parenteral introduction in a shorter time than after peroral introduction."

Number 6. The following may be stated with regard to the shortest period within which death may occur. Our experience with regard to human beings is confined almost entirely to poisoning through the stomach. This process is slower than injection, regarding which only limited and uncertain information is available regarding human beings. Death may occur some minutes after neonitine has been administered, especially if this is done parenterally, in which case the poison enters the blood vessels. Individuals are said to have

died in less than seven minutes. In experiments with animals, which allow certain conclusions to be drawn with regard to human beings, even shorter periods have been observed, as in the case of an experiment by Robert, in which a horse died three minutes after three milligrams of acetyl had been injected under skin (subcutaneous injection)."

Q Did the Reich Criminal Police Office with this accountin execution and the court, did it consider the question settled?

A I assume so, yes, because after sending up the report I heard no more about it.

Q Now I come to the so-called special experiment of Dr. Ding, which he mentioned in his diary on 26 October 1944, which was conducted on six persons. The examination of the witness Kogon revealed that that Dr. Ding tried out a mysterious experiment in Buchenwald on six persons, according to instructions from Dr. Murgowsky under the Reich Criminal Police Office. What assignment had you given for this special experiment?

A I don't know of this special experiment. I learned of it only from the diary. I gave no instructions and I don't know that Dr. Ding ever received such instruction from the Reich Criminal Police Office. The incorrectness of this statement is indicated by testimony of Kogon, who said that since 1943 Ding had tried to rely only on written orders, and that he was not satisfied with oral orders, but this experiment took place only a year later. Kogon also said that Ding was rather excited, perhaps, and that the thing was very disagreeable - that the matter was very disagreeable to him. He said that Ding told him everything at the time, private matters as well as official ones.

Q This remark of Kogon is in the English transcript on page 1145, in the German's on page 1220.

A Therefore, I am convinced that had Ding received a written order from me, he would have, no doubt, had shown it to Kogon, but he did not do so.

Q And if he had not received a written order from you, what do you think he would have done then?

A I don't understand the question.

Q If Ding had not received a written order from you for this experiment, although he had asked for it, what do you think he would have done then?

A. Then he would doubtless have expressed his opinion to Kogon.

Q. Then it is your opinion that the fact he neither showed Kogon a written order, nor expressed his opinion to your refusal to give a written order is proof he had no assignment?

A. Yes, and I did not give him any assignment.

Q. Why in your opinion did he discuss this experiment with Kogon?

A. He knew, of course, that everything that happened in camp became known rather quickly, especially things which happened in the crematorium. Therefore, he had to have some explanation for his intentions. I assume that he used this excuse which is that he gave Kogon, excuses for the killing of people on his own initiative.

Q. Do you know that the witness Kogon testified that Dr. Ding had shown him a formula for a poison, and that he had given it to him to seal, and that after the experiment this sealed formula was turned. Did you ever give Dr. Ding any poison for the formula?

A. No, I never gave Ding any such formula.

Q. Did you ever give him any poison to test?

A. I myself never worked with poison. I was never particularly interested in poison. This was not my field of work. Consequently I would not give him any such assignment, and I did not give him any poison to test.

DR. FLEISCHING: Mr. President, I should like to submit now the affidavit of the co-defendant Sievers, Document Drugowsky 33, page 17 of the document book, which I offer as Exhibit Drugowsky 49, Document Drugowsky 33, page 17, Exhibit 49. Sievers said, after the customary introduction, "After the collapse I was interned in the Military Walzen prison in Berlin. There were about 100 inmates - Poles and internees - in the building. One day a fellow-prisoner introduced him-

self to me in the lavatory as Dr. Samler. He asked me if I did not know him. I answered in the negative and he then asked me if I knew him by the name of Ding. When I answered that question also in the negative, he told me that he was the Dr. Ding who made the typhus experiments in the Buchenwald concentration camp. Ding was very much astonished when I told him that I never heard of anything like that before. He added that after his capture he was interrogated several times about these typhus experiments, and that he wished he had his prussic acid capsules from Buchenwald with him now. When I asked what he meant by that, he said that he had prepared about 80 capsules of prussic acid in Buchenwald at the end of 1933, but had unfortunately not kept one for himself so as to be able to commit suicide.

Because I did not know Dr. Ding, and did not care very much for the conversations, I broke off the conversation. The accidental meeting could only have lasted for a short time, because the stay in the lavatory was limited to a few minutes only. I was not told the purpose for which Dr. Ding prepared the prussic acid capsules, or what happened to the 80 capsules. I did not speak to Dr. Ding again."

BY DR. FLANNERY:

Q. If Dr. Ding had had prussic acid in this special experiment, would he have explained the effect which Dr. Schiedlowsky described in his affidavit, which has been submitted by the Prosecution?

A. Of course I don't know what prussic acid Dr. Ding used. The customary prussic acid preparation is of potassium cyanide, and for use of the same effect, you use prussic acid, and the preparations are similar; the potassium cyanide, of course, is very well known, and they would explain the symptoms which Dr. Schiedlowsky described, and would be also of a quick death.

Q. Did Dr. Ding later report to you about this poison experiment?

A. No, he did not.

Q. The witness Kogon on page 1185 of the English Document Book, or the life of the German's, testified that before this experiment that Ding was asked: 1. Can you imagine for what reason this was?

A. I myself would have no explanation for it, if I had not read the book by Walter Poller, which he wrote as a medical clerk at Buchenwald. He described Dr. Ding very carefully, from the period of 1938 to 1940, and he asserts that the official he repeatedly killed inmates by injection, and one time before such killing he was very much excited. Then he said this change when observed soon established in my memory was to me so typical that later I had only to note this change in him in order to know that he intended to commit a murder, or a crime. I should think that this characteristic should explain Ding's conduct in this case.

DR. FLEMING: Mr. President, in this connection I come back to Document Mrugowsky's No. 29, on page 177, in Document Book Exhibit Mrugowsky's Exhibit No. 36, Document 29, page 177. Exhibit No. 36. I should like to read the last paragraph on Page 181.

"While making my investigations, I also discovered that there was a hole, 40 cm deep, in the floor beneath the office desk of the shelter marshal (Paukermeister), in which a strong box containing poison had been kept. However, even prior to Lantier's death the poison had been thrown into the lavatory and flushed away by order of the shelter marshal, so that its type could not be determined. The origin of the poison remained unknown. Dr. Hargen."

might have got his poison.

Q. You know the affidavit by Schiedlowsky, the camp doctor at Buchenwald, Document 80-508, Prosecution Exhibit 234, in Document Book No. 10. Dr. Schiedlowsky stated therein that Ding asked him to come to the bunker to attend an experiment with poison. According to his affidavit, he reached the bunker only after the experimental subject had been given poison; he did not know in what form that took place or what the poison was. Please tell us whether the symptoms that Schiedlowsky observed in his brief presence there correspond to the symptoms that you observed in the case of Weinitin.

A. The symptoms that Schiedlowsky observed were apparently different. Let me mention that the symptoms involving the stomach, such as vomiting and diarrhea occur in cases of most strong poisons. For this symptom alone you cannot conclude that the two poisons are identical; but Schiedlowsky says that the effects occurred relatively rapidly, in other words more rapidly than in Buchenwald, where two hours elapsed before death. In this case death occurred rather rapidly. Also Schiedlowsky says that one person became unconscious. Weinitin poisoning does not lead to unconsciousness.

Q. In other words, you conclude from this that the poison that Ding used was not Weinitin?

A. In my opinion he must have used different poison.

Q. The prosecution has accused a number of the defendants of participating and responsibility in poison experiments; were any of the defendants involved in this aconitine poison?

A. No.

Q. Did you ever speak with any of the co-defendants before their arrest on the subject of experiment with poison or effects of poisoning?

A. No.

Q. Now, I come to Dr. Kegen who frequently spoke of an experiment by Dr. Ding with a phosphorus camouche incendiary bomb, and he said that you ordered these experiments?

A. I did not know who ordered this experiment: I found out about it only from the report which I had drawn up after the experiment had been terminated. This report has been put in evidence here as a document from which it can be seen that animal experiments were also carried out. I assume that this did not happen in block 46, but in block 50, which was under my supervision. I went with the report to Grawitz and asked him if he knew any more about this matter. I asked him if I was correct in my assumption that some of the experiments took place in block 50 and to tell Dr. Ding to confine himself to his block 46 in such matters in the future, which was directly under Grawitz. Grawitz answered thereupon that did not make any difference one way or the other and I should not be so fussy. I also know that after a few weeks Ding called me up and asked me for the report, which was in my hands. I did not have it any longer at that time as I had given it to Grawitz and it was in his files where it belonged.

Q. It was also testified that the experimental subjects had serious pains and had wounds from 2 to 2½ cm. deep, which led to the formation of scars: I show you now the Prosecution document NO-579, Prosecution Exhibit No. 236, and ask you to make a statement regarding this document and regarding Dr. Kegen's testimony?

(The Document is handed to the witness)

A. The first part of this Document deals with a discussion of the

rabbit experiments. In the second, however, there are pictures of experiments on human beings. These pictures show the place on the forearm where the experiment was made. Kosen said that this burning was done in such a way that the mass of phosphorus was burning for quite a while. The document, however, proves exactly the contrary and that the length of time during which the matter was burning was not long, but the period between the time when the mixture was applied and the time it was lighted was long; that is possibly the reason for this misunderstanding. Moreover in the description of the individual cases, it can be seen that evening on the 24th of December, in other words four days after the experiments, the burns were almost healed, or had greatly reduced in size, and in one case there was still an open wound of one half square centimeter but there is no mention of any deeper wounds, but only mention of purely superficial epidermal wounds. There is constant mention of the fact that the wounds healed over nicely and in some cases the wound was completely healed four days after the experiments. Wounds 2 1/2 cm. deep, or large scars could not have been the case, and that testimony of Kosen is false. In this case let me point out that he was not speaking from his own knowledge, because he gave the first explanation of these burning experiments that he had done them on experimental subjects, and then in their case interrogation he later says that was not the case. In other words, he is reporting what he has heard and not what he knows as first hand.

3. In submitting to the Tribunal Propaganda Document 270 56 of the 1000-100-10-103, and it shall be Propaganda Exhibit No. 50. I should like to draw number two on page 190:

Experiment of Phosphorus Burns with 'R 17'.

The dropping of phosphorus incendiary bombs, since it necessary to find a liquid instead of crystals. As the copper-sulphate solution without it did not give satisfactory results, the firm of Dr. Madus in Berlin, looked for a different solvent and produced a liquid Carbon tetrachloride which was called 'R 17'. The efficacy of R 17 had been proved by means of experiments on rabbits carried out by the firm of Dr. Dr. Madus.

After the completion of these rabbit tests, Dr. Madus asked Reichsrat SS and Polizeifuehrer von Weyrach, Dresden, to come and see the tests. As my branch office was in the building of Gruppenfuehrer von Weyrach, he asked me to accompany him to the firm of Madus in my capacity as a doctor and to watch these tests. That was in the autumn of 1943. At the request of the Gruppenfuehrer von Weyrach and the firm of Madus, I reported to Reichsrat SS and Polizei the results achieved by the firm of Madus in the treatment of phosphorous burns and suggested that the drug R 17 be introduced into the air-raid precaution dispensaries. Grawitz promised to have another test made.

Some time afterwards he sent Dr. Ding to Dresden for this purpose in his capacity as health expert, and instructed me to make arrangements for Ding to see the results achieved there by the firm of Madus with R 17. I arranged this. Ding came to Dresden and saw the above mentioned tests in my presence, on the premises of the Madus firm. After that he declared that, on the orders of the Reichsrat SS in Buchenwald, he would test the efficacy of the drug on rabbits. He requested the firm of Madus to put the drug R 17 at his disposal. Immediately after inspecting the firm of Madus in Dresden,

I know that Dr. Ding stated the matter to the Reichsrat SS and Polizei to have it procure for him the formula of an English incendiary bomb, as I knew that the Reichsrat SS was the president of the Reichsrat SS and had the right to collect the incendiary bomb collected.

I know that Ding made a report on his experiments. I know this because Dr. Ding asked the office in Dresden several times, in writing and by telephone, if they had this report, as he could not find it. It was supposed to be a report with pictures. I do not know if the report went through my office, as I was in Dresden only one day a week. At the time when Ding was looking for the report it was not in my office. I assume, therefore, that he sent it direct to the firm of Madus, as they were interested in the results of the test.

was to be used, and that Dr. Marnet had Himmler's personal protection.

Q. Did you receive any reports on this matter or any written records?

A. No.

Q. Were you told before by any other office of the intention of carrying out any experiments with hormones on homosexuals?

A. No, nor was there any reason that I should be, because the camp hospital was part of the concentration camp and was not under my supervision.

Q. Did you ever concern yourself with the effect of hormones on human beings?

A. No.

Q. I now come to the question of bacteriological warfare. You know the Prosecution Exhibit 334, Document CG-114, a letter that the prosecution put in from Grawitz to Himmler. How did you happen to compose a report on this matter?

A. This letter was drawn up on a request from Dr. Bloem. I drew up the report and submitted it to my chief, Grawitz, who passed it on to Himmler with the accompanying letter which we have here. It concerns itself with defenses against bacteriological warfare and with various organizational matters involving research. The reasons for this were the following. Even in the first World War the suspicion had been stated that individual acts of sabotage against the civilian population and soldiers had been undertaken with the help of bacteria. This assertion was looked into by various persons without any proof being produced. If something of this nature occurs during war, or when anything of this sort happened, the suspicion is easily expressed that it is artificially created. I heard about this possibility for the first time in 1942. At Christmas of 1941 there was a severe typhoid epidemic in a Parisian soldiers' home with about eight hundred cases, and the source of this was not clarified. This led us to the suspicion that it was sabotage with bacteria cultures.

Q. Did Dr. Ding examine captured bacteriological matter?

A. That was the second case. Russian parachutists were found to have an unknown material on them which was supposed to be some sort of bacteria. However, this turned out to be not bacteria but a means of

combating dysentery. Then in 1942 or 1943 many acts of sabotage were carried out against German officials in Posen and Lublin with the help of living bacteria cultures by the Polish resistance movement. Waiters in German restaurants received syringes with a fluid bacteria culture and they added it to the noon meal or to the beer of their guests. Several persons so infected died.

This led to a criminal investigation and a trial. This matter was cleared up very well indeed. There were confessions on the part of the defendants and there was then the necessary verdict by the court. I myself found out about this matter by seeing a box in which there were a number of bottles. These bottles were called "furniture polish" but they contained fluid bacteria cultures. I could ascertain that these cultures were typhoid cultures, among others, and cholera. These ascertainties on my part were corroborated by others. I found out by another case in the spring of 1944.

Q. I think that will be enough. What was your attitude toward the possibility of biological warfare?

A. As a bacteriologist, of course, I concerned myself at the beginning of the war with this question also, particularly since for years previous to that I had concerned myself with the advent and disappearance of epidemics. I tested these experiences of mine once again in my own mind and came to the conclusion that the laws determining epidemics were not so well-known that we could bring about epidemics artificially. Moreover, if bacteria is used in the war, there is always the great danger that this weapon will turn its effects against your own troops because, as we know, bacteria do not draw any distinction between friend and foe. Consequently, I am not of the opinion that active bacteriological warfare could be carried on.

Q. If this was your point of view, why didn't you draw up a report regarding the defensive measures against bacteriological warfare?

A. I knew that in foreign countries, particularly in France, this matter was being discussed very actively and that there were many publi-

cations on the subject. There was the possibility that my point of view would be proved later in practice to be wrong and although I maintained my point of view I believed that I should see to it that if events took a different turn the civilian population would not be taken by surprise. Therefore, I made suggestions for defending against such a case.

Q. Did you ever have anything to do theoretically or in experiments with the active waging of aggressive bacteriological warfare?

A. No.

Q. I come now to Point Four of the indictment. You are charged with being a member of the SS, which is a criminal organization. When did you become a member of the Party?

A. 1930.

Q. Why?

A. At the beginning I described or said that I myself was pretty badly off economically at that time, and according to the Party program of the Nazi Party I believed and hoped that this party would be able to free Germany from its economic distress of that period.

Q. Did you carry on any political activities?

A. In the early days I was a member of the party. However, in the year 1930 for some reason I was not a member of a Party or an organization in the University of Marburg.

Q. When did you become a member of the SS?

A. 1931.

Q. Why?

A. It is very difficult to say today after the SS has been declared to be a criminal organization and we have found out about all those dreadful things that took place and which led to the verdict on the part of the IMT. It is, I say, hard to make clear that other reasons must have motivated us to enter the SS at that time. In 1931 the basic principle behind the SS was that this organization was to form a sort of new guard, and some of the main virtues of the SS men were defined as honor, loyalty, reliability, and truthfulness. The later enmity toward the

church did not exist at that time, and several years later it did not exist either because in the year 1934 I was married in a church in SS uniform, and there were many of my comrades present in the church at that time.

You cannot compare the SS of that time with the SS that we have found out about subsequently. I entered the SS at that time because I believed that I could best serve my people in this organization in the economic reconstruction and particularly in my capacity as a doctor.

Q. Please describe your SS activities briefly.

A. In 1934 I was Untersturmfuehrer. In 1937 I entered the Waffen SS Verfuegungstruppe as Sturmbannfuehrer. That corresponds to the rank of medical major. I had this rank for five years. Then gradually I rose in rank and finally was Oberfuehrer, which corresponds to the rank of a colonel in the medical service of the army.

Q. You were a member of the Sicherheitsdienst. Why?

A. In 1934 to 1936 I was a member of the Sicherheitsdienst, the Security Service, for the following reason. After our accession to power we expected that the goals that the Party had stated were its goals were to be carried out, but it soon turned out that between what had been promised and what actually now existed there was a rather considerable difference. This called forth unrest in the population. At that time we had acted in good faith and believed that the competent government agencies knew nothing of this unrest. We considered it our duty at that time to clarify this matter and to inform the competent offices of the way things really were.

for this reason I inserted myself into the Intelligence Service along with several of my comrades.

Q What was your activity in the Security Service (SS) at that time?

A At that time the Sicherheitsdienst was not part of the police. Its activities were limited to finding up general reports regarding the attitudes and needs of the population, of cultural and economic matters, and so forth. Observing of any individual evidence - in other words, any police spying - was not part of the activity of the Sicherheitsdienst.

Q Why did you leave the Security Service?

A In June of 1936 Himmler became chief of the German Police. Thus the German Police, and particularly the political police, and the Security Service, received great mutual assistance; they exchanged personnel, and many tasks were united. I was afraid that pretty soon I would be disavowed in the police. That was not part of my original intention, nor my desire, nor my predisposition. Therefore, I made efforts for a short time to leave the Security Service and to follow my own profession.

Q When you left the Sicherheitsdienst, you, however, remained in the SS; is that right?

A I know the chief of Himmler and the chief of the Sicherheitsdienst would not so believe that I was simply out of all SS activity at that time. The only chance I saw for furthering my career as a historian and musicologist was to go within the SS and it was a happy accident that just at that time some personnel was being sought in the newly organized Waffen-SS. Consequently, I remained in the SS and transferred to the Waffen-SS. When I saw this was my only opportunity to dissolve my relations with the Security Service. That was in 1936.

Q What did you do when you left the Sicherheitsdienst?

A I became active military officer in the Waffen-SS.

Q How did you leave the SS?

A Yes.

DR. FLEMING: I submit to the court first of all the Mrugowsky Marriage Certificate, and the Baptismal Certificates of his children-- Document 46, page 202 of the Document Book. I submit it as Mrugowsky Document 51. The Baptismal certificates of his two children are Document 47, pages 203 and 204. I put them in evidence as Mrugowsky Exhibit 52. I submit, further, Document Mrugowsky 49 -- an affidavit by Dr. Wilhelm Karl Grzegorz, on page 205 of the Document Book. This is Mrugowsky Document 53. From this affidavit of Dr. Grzegorz I read a few passages. First of all he says how he came to the Hygiene Institute, and this says: "In my opinion Mrugowsky was, though not bound to the church, a deeply religious person with a high ethical conception of his medical profession, a fact very frequently observed by me during lengthy conversations with him. My Institute, because of its many female employees, had an almost entirely civilian setup. Mrugowsky insisted very strictly on just one thing, namely, that work had to be performed conscientiously and diligently. Over and over again Mrugowsky would spur us on to a critical review of our own work.

"Since for many months 20 concentration camp prisoners were at work in our establishment repairing bomb damage, I feel that I really can give an opinion on the treatment of the prisoners by Mrugowsky. The prisoners enjoyed working in the Institute, and it was for them a special punishment when, by order of the camp management, they could for several days not go to Dr. Mrugowsky, for example, often praised the work and character of the prisoner Wessel who came from Dortmund. Wessel in turn frequently praised Mrugowsky for his good treatment. Mrugowsky tried to have Wessel employed as scrubber in the Institute. He once talked with me about it, that it was too bad that in spite of all his efforts he could not get a release from the concentration camp for this man. Since at first the prisoners had only trenches available for a shelter during the many air raids, Mrugowsky ordered that at the very first warning of an attack the prisoners were to be marched to a bomb-proof bunker which was within walking distance of about 15 minutes.

I have frequently observed how Krugowsky saw to it that the prisoners got started early enough.

When leaving Berlin at the end of April 1945 we stopped for some time at a place called Wittstock. After two days several columns of prisoners marched through Wittstock. As soon as Krugowsky noticed that some prisoners from our Institute were in the column he spontaneously called out, 'These are our

people. We must absolutely give these fellows something to eat! He saw to it at once that food and drink was brought on and also gave the men a good portion along for the march after he had inquired in detail about their well being. From a discussion with Dr. Hansdieter Ellenbeck, Stuhf. at that time, I know — for example — that Mrugowsky had proposed to put vitamin preparations at the disposal of the prisoners at Buchenwald among whom, for unknown reasons, sporadic oedema appeared in spite of all efforts.

"In closing, I should like to remark that, from discussions at the Berlin Institute, for example, I know that Mrugowsky refused to have concentration camp inmates used for vaccinations with typhoid fever, para-typhus and dysentery serums for the determination of the occurring titre, because he maintained the standpoint that such series of experiments had better be carried out on young people in military training camps." Signed, Grottel.

Now, I submit an affidavit by Dr. Jung, Mrugowsky Document 50, page 20 of the Document Book, which will be Mrugowsky Exhibit No. 54. I bring this to the attention of the Tribunal, and should only like to read one paragraph from page 209: "In April 1945 the prisoners from the Sachsenhausen camp were transported to Schwerin. At that time we were about 10,000 men." — I beg your pardon — Document No. 50 is Hessel's affidavit. Exhibit 54, page 209, is Hessel's affidavit. And from this I should like to read the following — on page 21, the next to the last paragraph: "The food we received from the camp was very bad and entirely insufficient and, therefore, I approached Mrugowsky several times and asked him for additional food for the prisoners. Upon his invitation we then received at noon an additional warm meal from the kitchen of the Hygiene Institute. About 15 to 22 prisoners were working there.

"It was a daily occurrence that prisoners were beaten by the SS guards, and I asked Mrugowsky, therefore, to put an end to this state of affairs, as unworthy of human beings. Mrugowsky thereupon forbade

the continuance of such beatings in the work commando. Only when Mrugowsky was not present did it still happen that SS guards beat prisoners.

"Mrugowsky was always human and friendly towards us prisoners. Whenever we greeted by taking off our hats, he always acknowledged it and frequently exchanged a few words with me.

"In April 1945 the prisoners from the Sachsenhausen camp were transported to Senftenberg. At that time we were about 10,000 men. While resting on the way in the brick-yard at Mittelsdorf, Mrugowsky came out and called for me. He inquired about the prisoners of the former work commando and had them all called together. He distributed cigarettes, bread and pumpkins among us. We were very happy about this because we were terribly hungry.

"There were also foreigners in the commando, especially two or three Russians and they, too, spoke favorably of Mrugowsky. He was one of the very few who always was correct and humane towards us prisoners."

I submit further the affidavit by Dr. Secker, Mrugowsky 53, on page 210.

MR. HADDY: May it please Your Honor, it seems to me that in accordance with the rulings of the Tribunal during the course of the second day of the examination of this defendant, that we could dispense with reading these character affidavits now and proceed with the examination of the witness, and complete the examination of the witness in a reasonable time -- This witness has been on the stand now for nearly three days, and these affidavits seem to me unrelated to the testimony of the witness, and can be put in at a later time.

DR. FLEMING: Mr. President, my interrogation is almost completed. The reason it has been so long is that despite four requests the prosecution has not yet said what charges against individual defendants it withdraws, nor has it stated which of the various counts which are not in the indictment are charged against the individual --

THE PRESIDENT: Counsel may proceed.

DR. FLEMING: I put in now the affidavit Kentner and 3 associates,

Mrugowsky 57. It is to be found on page 196 of the Document Book. I might remark that I received this without having asked for it.

THE PRESIDENT: What number did you assign to Document -- is that 53? -- the affidavit of Sticker?

DR. FLEMING: 54 was the last one, which is Document 50. You mean Russell's affidavit, Mr. President?

THE PRESIDENT: Yes.

DR. FLEMING: Exhibit 54.

THE PRESIDENT: According to the notes I have the affidavit of Wessel is No. 54. What number did you assign. Is that the number?

Dr. FLEMING: That is correct, yes.

THE PRESIDENT: What number did you assign to the next offer you made, Secker? S-E-E-K-E-R?

Dr. FLEMING: Yes, sir, Secker. It precedes the next number 55, Exhibit No. 55, Document No. 53, on page 210, from or by Secker. This affidavit is simply brought to the Tribunal's attention. Then as the next document we have the affidavit by Kemper, Krugowsky's No. 57, Exhibit No. 56. This is an affidavit by various members of the Second Medical Company of the SS Supply troops, which had worked under Krugowsky until August 1940. I shall read only the last page, the 2nd Ambulance Company.

MR. HARDY: May I ask for the official number of this document? I ask the defense counsel instead of being the signature of one, what is this?

Dr. FLEMING: It is signed in Mergsburg from the camp leader.

MR. HARDY: No objection to it.

Dr. FLEMING: I read from page 200 - rather pages 199 and 200:

"From Oct. 1939 until August 1940 we have been members of the 2nd Ambulance Company of the SS Verfügungstruppe, the commander of the company being the then Stabsf. Dr. Dr. Krugowsky. Our company has been in charge of a great number of field dressing stations during the campaign in France, Belgium and Holland. We had to render medical treatment to wounded German men as well as to English and French soldiers. Upon the order of Dr. Krugowsky, all these men were taken care of indiscriminatingly as to their respective nationality. We should emphasize that Dr. Krugowsky in performing his duties as physician did not only comply with and live up to the various provisions and orders of the International Red Cross about all of which we had received instructions, but that he went much farther in the performance of his duties in manner most worthy of admiration without taking heed for his

own health or safety. Upon his order, all the wounded men that were delivered to our dressing station in a motley army of our own and of enemy soldiers were scrupulously classified for treatment exclusively according to the severity of each case.

While we had become familiar with his unselfishness and his human attitude as a comrade from the very first day of the organization of the company we had additionally ample opportunity during the campaign in the West to learn of his character as a physician when he expected the physicians and the other medical personnel under his command to do their duty to the point of self-sacrifice to save the lives of the wounded. Evidence of his own non-sparing efforts may be gathered from the fact that he declined to be kept - posted by other on the situation in the firing-line but that he used to organize personally and without regard to his own safety the expeditions removal from the firing-line of the severely and most severely wounded men, not in the least way discriminating thereby between friend and enemy, an attitude which was evidenced by the kind of those delivered to the station and by which he lived up to his standards as a physician where from he never deviated: that any patient is a patient. While in a therapeutics his manners towards the wounded were representative of the highest standards the moving care of Dr. Brugowsky in matters of food, clean linen and tobacco-rendered indiscriminately to all that happened to be entrusted to him - calls for further attention.

The undersigners as motor-drivers and sanitary personnel belonged to the above mentioned unit:

The following four signatures of and these men were internees of this camp who sent in this affidavit unsolicited.

DR. FLEMING: I now submit Dr. Jung's affidavit as Mrugowsky's No. 50, found on page 213, Your Honor. That is as Mrugowsky's No. 52 put into evidence as Mrugowsky's No. 57, page 213, Document No. 52, Exhibit No. 57, which I brought to the Tribunal's attention.

BY DR. FLEMING:

Q. What was your financial status?

A. I was paid as a soldier, or as an official doctor.

Q. Did you draw any material benefit from your membership in the SS, or Party?

A. No, never.

Q. Now I come to the point one, namely, conspiracy. Please tell who of the other co-defendants you knew at all closely?

A. Of all the defendants I knew only three. That is, Dr. Gonsken, my chief collaborator for many years, and of course, whom I knew very well. Otherwise, Dr. Pappenheim I knew from many conversations, because we had officially known each other. Finally, another, Professor Rose, because he also is a Hygienist, as I am, and if there were any technical discussions that referred to the use of soldiers at the front, we saw each other several times. Now I have had slight acquaintance with nine others of the defendants. Professor Handloser was the one I twice spoke, and whom I saw several times when he had the chairmanship of the conference. Secondly, Karl Brandt with whom I had one discussion when this drinking-water committee was founded, and that was the only time I ever saw him. Third, Professor Hestock, who was the dean of our medical faculty in Berlin, 15. I saw him when I requested to be appointed as a professor. Schroeder I knew only by sight. Professor Gehrmann, although he is an officer of the SS membership, I spoke with only twice, once in the field, 1941, I believe, and once previously in a corridor at one of the consulting conferences. Then I had two conversations with Blum, once in his office, and once at mine on a matter of information when he was interested in my institute, that was the reason he was there, and then I knew Sievers with whom I had two discussions, once in my office, and once at his office, which you can find out from his files. Further I had nothing to do with him. Rudolph

Brandt I saw as long as it takes to shake hands, and finally, Dr. Hoven, just before he was interred. The others in the dock I saw for the first time in Nuremberg, here.

Q. What did you talk about to Professor Rose?

A. Individual questions of troop hygiene.

Q. This is my last question now. On the report of Krugowsky's No. 10, Exhibit No. 30, the report on the first typhus experiment series. This report is that of request of Dr. Genti to Grunitz, chief of the hygienic institute of the SS, to the Robert Koch Institute, of the typhus research office of the SKH in Cracow and the Behring Works. This is the series in which the vaccine was tested in internees in Buchenwald. Is that not true that these officials were acting in a common plan to carry out this typhus experiment?

A. In my opinion this document proves exactly opposite. Of those to whom this report was sent, the last part in this letter, I had not known anything of the intention to carrying out these experiments on human beings, and, then Grunitz order would have made no sense, and then it was to recast the Ding report in the way that you have it. Also referring to files 27 December 1941, there was the discussion there on the epidemiological testing of the various typhus vaccine that can be seen from Carl Gornitz file 222. Grunitz tried to prevent this through this report with those who received it subsequently to find out in detail how these experiments were carried out. I don't think there could be a clearer reputation of conspiracy than provided by this report.

DR. FLEISH: Mr. Freed out, that concludes the direct examination of the defendant Krugowsky.

THE PRESIDENT: We will recess.

(A recess was taken to 1330 hours)

(The hearing reconvened at 1330 hours 31 March 1947)

THE MARSHAL: Persons in the Court room will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: The Tribunal has only just now received the statements by counsel for the defendant Slovics concerning the two witnesses which were referred to by counsel this morning. The Tribunal will examine this statement and announce its ruling as soon as possible.

The Tribunal now desires to announce that the Tribunal will recess at 3:30 o'clock Thursday afternoon of this week until 9:30 o'clock Tuesday morning following.

The Tribunal will be in recess from Thursday evening until Tuesday morning.

DR. FLEISCH: (For the defense at Krugowsky): Mr President, I have no further questions to put to the defendant.

THE PRESIDENT: Your Honor, in as much as the witness Horn is outside now and the representative of the Czechoslovakian delegation informs me that the witness desires to return to Czechoslovakia tomorrow, it might be advisable to call the witness Horn now before the cross examination of Krugowsky by defense counsel.

THE PRESIDENT: That was my intention. Defendant Krugowsky is ordered from the stand and will resume his place and the Marshal will summon the witness Horn on behalf of the defendant Slovics.

JUDGE SPRING: You will hold up your right hand and be sworn.
Repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

The witness repeats the oath as follows:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

JUDGE SPRING: Repeat this last part of the oath again: That I will speak the pure truth and will withhold and add nothing.

WITNESS: I will speak the pure truth and will withhold and add

nothing.

JUDGE SHERRING: You may be seated.

DR. GAMLICH (For the defendant Hoven)

DIRECT EXAMINATION

BY DR. GAMLICH:

Q. Witness, will you please tell the Tribunal your name?

A. My name is Vidoslav Hovn.

Q. You are a doctor of medicine, is this true?

A. Yes, I am a doctor of medicine, a director of the hospital at
Bela in Czechoslovakia.

Q. When and where were you born?

A. I was born on the 2nd of November 1893 in Crbic.

Q. What is your nationality?

A. Czechoslovakian.

Q. Please describe to the Court briefly your career?

A. My father was a doctor. I studied in Crbic and then in the
medical faculty in Prague. I was a soldier in the first world war. I
was assigned to a surgical unit under Hofrat Prof. Eisenberg in Vienna.
After the end of the war I became an assistant of the surgical section in
Prague. From there I went to my position in Bela as director and surgeon.
That was in 1924, 1925. I am married. My wife is from Pola, from Pola
in the district.

Q. No, only your professional career. And what is your profession
now?

A. As I already said.

Q. When and for what reason were you arrested by the Germans?

A. I was arrested on the 17 July 1939 before the beginning of the
war by the Gestapo. I was not interrogated. Later I was told that Ger-
many was facing very serious events; that I would be put in protective
custody for political reasons. My wife tried to find out what was wrong
and the head of the Gestapo told her she should not expect me to come back.
During 6 years I was never told why I was arrested. Nothing was explained

to me. Later we learned that this drive was called by the Gestapo the
Buchen follower drive.

Q. What was your attitude toward national socialism?

A. As I wrote no articles and no books and held no lectures, yet
I was definitely opposed, and this can be seen from the documents which
have been found now after the liberation in Czechoslovakia. Kreisleitungs
I have asked the Gestapo to proceed against me with all possible means.

Q. Where were you in custody?

A. I was in a Gestapo prison in Islnau, then in a collecting camp
at Spolun, in the fortress prison Spillberg in Brno, and then I was sent
to the former Gestapo prison Polizeigefangnis in Berlin where I did
medical service, but suddenly I was locked up separately. I was locked
up for six months without my reason being given. I had no ventilation.
It was in the middle of the summer. Only later did I learn why this
procedure had been taken with me. I took a trip through the prisons of
Germany. I was in a prison in Vienna, Salzburg, Munich, Plevan and
finally in Buchenwald.

Q. When did you come to the concentration camp Buchenwald?

A. On the 9th of December 1941.

Q. What was your activity in the concentration camp Buchenwald?

A. I was in the stone quarry but I was not there very long. Then I
was in conversation with the Czech Liaison man. The Czech Liaison man said
when Dr. Hoven came back from Leids I would not stay in the stone quarry.
I was also in the penal company and the liaison man, Dr. Saidak assured me
I would not stay there. It was reported that Dr. Hoven would come back
from Christmas leave on the 29th of December, and I was to be released on
that day. Dr. Hoven immediately took me into the hospital. Dr. Hoven
did not even examine me. I was accepted there as a patient.

Q. What was your position after the liberation of the camp by the
Americans?

A. At the end of 1944 when the camp was unusually large, I believe
there was in evidence more than one hundred thousand prisoners, I was the

chief surgeon. A week after the liberation I was appointed Chief of the Allied Medical Staff.

Q. You mentioned the name, Dr. Hoven, just now. Is this the same Dr. Hoven who is in the dock here?

A. Yes, he is in the second row, the fifth man from the right.

THE PRESIDENT: You will note for the record, that the witness has correctly identified the witness (defendant) Hoven.

BY MR. TUMLIX:

Q. What did you do in the hospital?

A. I came into the hospital as a patient. Dr. Hoven told me that there were no doctors there yet, you will be the first doctor, and the prisoners who work there do not understand their business. They all performed operations. They even performed amputations. They were afraid that they would lose their jobs. Dr. Hoven was right, as I realized later, when I went to see a leading prisoner, Otto Weingartner, he said: "Comrade Hoven, we do not need any doctors here." I was a patient for three or four weeks, I believe. Dr. Hoven called me in for operations which I generally performed alone and went back as a patient to my bed. Suddenly I was released from the penal colony and sent out on the detail as a nurse. Generally I worked only in the operating room. I had the authority from Dr. Hoven to prepare for the necessary operations, and if necessary to carry out the operations. Generally, I was given an SS doctor when Dr. Hovest, as assistant or Dr. Flobner and others. I performed the operations, and later when the SS doctors took an interest in the operations Dr. Hoven told me that the SS doctors would also perform operations. First, it was to be a theoretical discussion and then the operations were to begin. As an old surgeon at that time I pointed out to Dr. Hoven that the operating technique required a certain amount of training, and Dr. Hoven said: "Do whatever you think is necessary and whatever you consider necessary." The young SS doctors did not like this and it was clear to me that they complained about me. They said decisions were very complicated. I said that they should begin with

single things like making knots, learning how to hold the instruments and so on. Dr. Hovon was always on my side. He said a rule had to be made when a doctor can perform a breach operation, so I made a plan. The doctors first had to understand the matter theoretically and then they worked as assistants for about ten operations and then they performed twenty operations with my help and then we went on to other operations, such as appendectomies. We went into it gradually, and if it was not clear or if something went wrong, then we performed the operations on corpses, and later I was gradually let into the wards where the sick prisoners were and we had further training of the personnel, and later when other doctors came, that is prisoners, doctors, we had medical seminars. That was up to the time when Dr. Hovon was taken into custody.

Q. Please describe to the Tribunal the medical care in the Concentration Camp Buchenwald under Dr. Hoven?

A. When I came to the camp in December 1941 I believe that Dr. Hoven was not the Chief camp physician. I believe his predecessor had typhus and he was merely representing him. The hospital had about three hundred beds, an internal and external section in three barracks. It had an x-ray station, a dental station, and a few auxiliary sections, like the laundry, etc.

Q. Did Dr. Hoven introduce improvements in the medical care?

A. We found in the camp that only nurses were treating the prisoners - no doctors. We could not understand this. When I was put to work there we discussed it once with Dr. Hoven and then further steps were taken. I should like to distinguish between improvements with regard to personnel and technical improvements. First, shortly after my appointment Dr. Hoven called in another doctor, Dr. Gathuschek, who was used in the internal section. There was also a German doctor and I believe it was the assistant at the Dresden Orthopedic Clinic. He also worked there. Then later on other doctors came from Auschwitz to the camp and I gave a report that many doctors had arrived. I received an order from Dr. Hoven that I should bring these doctors to him. There were specialists - an eye specialist, Dr. Weick. He was used as an eye doctor in the hospital. There was Dr. Chiatto, a nose and ear specialist. He was used as a specialist at the hospital. And I point out that these are all Slavic doctors - only Slavic doctors came from Auschwitz and, to go on, Dr. Meyrin, a Colonel, - nerve specialist. And, then later, I don't know whether Dr. Hoven was there yet or not, but there was a French X-Ray specialist, the professor of the French

medical faculty in Dijon or Lyon, Professor Rousseau. That was all. And in Dr. Haven's time a Tuberculosis Section was created. We did not have any specialist for that. I remember that there was a Jewish doctor in the camp, a tuberculosis specialist named Dr. Schinabel. It was impossible to use a Jewish doctor. Dr. Haven got the idea that we can use him as a collector in the section. Dr. Schinabel was appointed but he dealt only with tuberculosis in the prisoners. These were the improvements in the group of doctors. As for the training of the nurses, Dr. Haven gave orders that they were to be trained and I was ordered to conduct this training. Then came the technical improvements in the camp. It grew slowly. We needed room. We asked for two hundred beds. Dr. Haven saw to it that two barracks were built with 200 beds. We had a pharmacy and the head of the pharmacy was an SS pharmacist. He was very reluctant to give out the drugs. Dr. Haven saw to it that we got the drugs and if a report came from the pharmacy that the drugs were not available he got the drugs from Berlin. And now the matter of instruments necessary to us. In the operations in the abdomen, etc., we could perform but we did not have the instruments for preparation for brain operations. Later, after the bombing - August 1944, it became very important and Dr. Haven got these instruments with some difficulty in Berlin. I myself, although there were also surgical groups already working in the camp - French surgeons, we had Russian surgeons, we even had a German at that time - and they all performed operations. I myself during 24 hours performed over fifty brain operations which was only because I had received the instruments from Dr. Haven. These were the technical things but there were other improvements, too, which had great value for us. For example, first, the matter of medicines. Then the medicine-

ines were not available in the prison pharmacy Dr. Haven permitted the medical non-commissioned officer, Wilhelm to go to Weimar or Jena and buy the medicines and we were very glad to pay for this. When the prisoner specialists were not in the camp yet it happened that various eye cases came to me. I could not do anything else. They were well known people. For example, the well known printer, Joseph Taspok, who was a serious case. Taspok is a Czech. The name was well known in connection with President Masaryk. The man was afraid of losing his sight. I went to Dr. Haven and Dr. Haven sent a car to Jena regularly and sent the prisoners who were called not help there. No doctors too were not specialists. An innovation in the camp was that a prisoner doctor was sent on an outside detail with a car to see what was going on. I myself was once sent on a detail about 80 kms. from Buchenwald where a prisoner, an anti-social, had broken his foot. He had even treated by a doctor there. I took him to the surgical section in the camp hospital Buchenwald.

2. After this detailed description I shall submit to you GP-1063, Exhibit 523. This is the testimony of Schallher. On page 16 of the German, page 14 of the English translation, Schallher says: "The camp doctor Dr. Haven played a very bad role and he is absolutely responsible for the death of numerous people because of completely inadequate medical care." This is what the original "Aval" text says.

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A. I cannot remember who Schalker was and I do not want ...

Q. Dr. Wern, I want to ask you the following questions. Did Dr. Hoven, as camp doctor, play an extremely poor role?

A. No, of course not.

Q. Was Dr. Hoven responsible for the death of numerous people because of completely inadequate medical care?

A. That the health care in the camp, in spite of all the improvements, was far behind any civilian care, that is quite certain, but a description of how Dr. Hoven treated the prisoners in general would be more appropriate than what Schalker says about Dr. Hoven being responsible for inadequate medical care and that he provided poor care -- that is not true; or that he refused care to anyone, I cannot say that either. Dr. Hoven set up a network among the prisoners of liaison men. They were prisoners who could at any time speak to Dr. Hoven. They were all types -- greens or blacks or whatever they were. As a concrete example, a liaison prisoner was my fellow physician assistant at the hospital, a "green" prisoner. The professional and technical were certainly a very peculiar group of prisoners. Generally we were political prisoners -- I mean at the time of Dr. Hoven -- that is at the end of December 1941 until the arrest in September 1943. During this time the majority of the political prisoners were hostages, that is, people who had not been incarcerated by the Gestapo. For example, there was a large group of German prisoners there, mostly communists but there were also social democrats; there was a large group of Dutch hostages; then there were Czech hostages; and there were Poles. The Poles had a very special position. The political section of the camp, that is the Gestapo section, treated them quite differently than it treated the rest of them. Through the liaison prisoners, Dr. Hoven was in contact with all these groups, and that was a very important measure. The people came and reported "There is a German sick here, something must be done", and it was always arranged that the prisoners should be brought to the hospital and then the camp administration did not like this. An order was issued that no prisoner

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can go to the hospital unless he reports to a Report Leader, that is, an SS man working in the camp; and then in all blocks, whether they were German, Czech, Jewish or criminals, we had a so-called medical guard. Dr. Hoven, in effect, told the SS "No prisoner may come into the hospital directly" and then he said "Only medical guards—" but they had a different name at the time of Dr. Hoven, "medical men", — "Only he can bring over". In spite of those measures I saw that the senior block inmate, out of fear for the SS, kept back many a prisoner. "You don't need to go to the hospital, you are all right." He didn't mean it badly, but just to avoid difficulties. And when it happened that the man didn't need it, if the care was still inadequate in spite of this system, that was due to conditions — the conditions of the camp search, the food, and everything—and if Schöler says later that Dr. Hoven is responsible for this, I must say no. As proof of this statement I must say if I or other inmates were asked for anything, I cannot remember that we were ever refused.

Q. Is Dr. Hoven in any historical way different from the other SS doctors?

A. That is quite a broad question. It is unfortunate that I cannot say you are right which should be called "SS in through a camp street". Soldiers of the First World War, soldiers of the Vietnam War, we know that it was to serve before the soldier, to serve a situation, but what happened when an SS man marched through the camp, I believe that surpasses any idea of any conviction of what a normal civilian can imagine. Therefore tell us of us in such a thing. The victory of the German nation in 1941, when the Führer said that the SS army can be wiped out by police measures; when the landing in Africa; then the bombing of the American flyers; I must emphasize that it was an important moment for us later, the 5th of February; the advance of the Red Army—that was reflected in the conduct of the SS. In 1941 when I came to the camp, when the SS went through the camp street the prisoners had to lie down, some were killed and some were badly treated. At that time directly, at the time when

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the German nation was at its height, Dr. Hoven acted as follows: going around the camp without a cap and with his hands in his pockets was normal. Sometimes he spoke to people, to the prisoners, and it was even seen that the prisoners stopped him and spoke to him. I give a concrete example; Dr. Hoven was once stopped on the street by a prisoner. He said he should be released because there was something wrong in his family. Dr. Hoven could do nothing, but nevertheless he went to the hospital and told the liaison man "Investigate this matter". Even if he did nothing and merely had the thing investigated, that was a big advantage to the prisoners that he did at least talk to the SS officer. And so the answer to your question comes up.

Q. Think of the other SS doctors—was there any difference between Hoven and the other doctors?

A. I went through a whole series of SS prisons.

Q. How about Schidlowsky, for example?

A. Dr. Schidlowsky came to the camp, I believe, in November 1943.

Dr. Schidlowsky had a very bad reputation. I was examining a female inmate of the camp when I heard that Dr. Schidlowsky had come to the camp. I did not know this SS man. The woman said I should kill her because she did not want to live if Schidlowsky was in the camp. After a few days I saw that everything was wrong. This SS man who was preceded by such a bad reputation, did not want to sign death certificates for prisoners who had died in the hospital from natural diseases, let us say pneumonia, and a peculiar situation arose, that all prisoners first had to initial this death certificate. None of the prisoner doctors were authorized to do that and only then did Dr. Schidlowsky sign them. In spite of this change in Dr. Schidlowsky there was still a big difference. If the camp was not well prepared, Dr. Schidlowsky was told about it. He had no interest at all. He would do nothing, there is a war on, we cannot do anything. And so, to sum up, I do not like to say if something was a science, medicine, for instance, that Dr. Hoven, he simply went to the SS doctor and got the medicine.

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Under Dr. Schildausky it was the other way around. He wanted to take the best medicine from the prisoners to the SS Hospital. That would show the difference best.

Q How were the medicines taken from the SS hospital to the prisoners' hospital?

A Drugs and medicines you could put in your pocket sometimes. But plaster was needed, for instance, for casts, and that was not so easy to carry. That was not approved and the prisoner who carried it would be punished. We had a tank car which collected garbage from the troops. There were pigs in the camp and we had to pick up the garbage. Sometimes we transferred these things carefully hidden under the garbage.

Q Please describe to the Tribunal the general conduct of the Defendant Hoven toward the prisoners, insofar as you have not already done so.

A I have already told you most of it--that the prisoners stopped Dr. Hoven and talked to him, that he had the medicine men, that he had these medical guards, and then there were other separate matters. The first Czech ambassador in Switzerland, Scrava, was a prisoner. He had a stomach tumor. Dr. Hoven learned of it and had him taken, I believe by car, to the prisoner hospital and he had him called through the public address system. He said I was to report everything that Dr. Scrava needed and we succeeded in helping Dr. Scrava to the extent that today he has taken up his position as chief editor in Prague. Such things were not exceptional. There were operations announced where the SS doctors were to come. I was to perform an abdominal operation. It was my custom and it was possible for me to report to Dr. Hoven before every operation. I never performed an operation without the knowledge of Dr. Hoven.

Then there was an orthodox Russian, Dr. Golisky, I believe his name was Papa Andre. He had been severely dis-

treated by the Gestapo. The Soviet Union at one time had concluded a peace with the Church, the hierarchy, which mostly had called emigrated people to go home to Russia. It is probably not technically possible but it was permitted then to return to Russia. When this orthodox priest, Dr. Galsky, fell into the hands of the Gestapo, he was to sign a statement of the orthodox church that he would not go to the Soviet Union. The consequences were the usual ones with the Gestapo. The prisoner came into the camp in a terrible condition. The prisoner-doctors had a certain position there. I was told quite openly by the head of the camp, that is first or second head of the camp, "You won't have this man long." Nevertheless we succeeded in keeping Dr. Galsky alive for a long time. We were certain when he was in the hospital that Dr. Hoven would have no objections. Dr. Galsky later died because of the terrible food conditions in the camp.

Q Now about the hair cutting?

A Dr. Hoven had a peculiarly. He did not like prisoners without hair but to be allowed to keep your hair, that was a very complicated matter that had to go through Berlin. But in 3 months we always had our hair. It happened to me that after a week by privilege as a protectorate prisoner was taken away from me and I was given a red triangle, as protective custody prisoner, and I had to give up my hair. It did not take long before Dr. Hoven brought me a note that was to be allowed to keep my hair. Dr. Hoven had a very difficult situation for me once. He had a professional criminal as an x-ray technician and the man had no hair at all. Dr. Hoven decided that he was to be able to wear at least what hair he had a little longer. I was ordered to sign an application that the man was to get

hair. I did not sign it. I did not quite understand how he was to do that. When I gave up this problem I saw that Dr. Hoven himself had written down that the man was suffering from a hair disease and he really got the approval. Jews also got permission from him, for instance, Jerlinek, the nurse from the tuberculosis ward, and others.

Q What do you know about Hoven's killing of professional criminals?

A I saw no such killings, either of these habitual criminals or of anyone. Certainly Hoven divided the prisoners as follows: There were decent prisoners and then there were prisoners who were not so decent. This was not the division that the SS officials made, this was a division depending on how the prisoners behaved; this was not the way Dr. Hoven classified them but the way the prisoners themselves classified the other prisoners. If I reported anything, a great deal depended on whether this prisoner I reported was a "decent" prisoner or whether he was not. The habitual criminals were part of this classification also.

DR. CALDER: I had just told that a change must be made in the microphone and that the meeting will be interrupted for a few minutes.

Among the habitual criminals, there were many moral offenders and they were very afraid of Dr. Hoven, but I did not see that he ever killed a habitual criminal.

Q. What point of view did you find in the camp about the justice that the camp inmates administered themselves?

A. Self administered camp justice was a very difficult problem. I myself, as a physician, was absolutely opposed to any kind of treatment done to human life or health. I was a physician and my idea there was somewhat better than in a hospital. My stiffest opponents in this matter were precisely the old political prisoners and I cannot condemn them; sometimes they got me into very difficult situations because of my attitude. With a mass of a few thousand there, there just have been differences of opinion among them and there were crimes committed against the prisoners. We could not go to the SS, it was not possible.

Later when Dr. Schindler was in the camp, I was suddenly called away from an operation once and he told me that trouble was already beginning with the Czechs. I did not know what he was talking about, he told me I should get out in ten or twelve hours. I went into the camp and found out the following, a prisoner had been turned over to the SS who had accused sixteen people of our home town of being traitors. I believe that ten of them were condemned to death. The relatives of these sixteen prisoners were already in the camp and they found out that this man had been brought in. They went after him, a whole group joined the cause. As a consequence of all this was that the man died of a broken skull. I was to certify the death certificate. I

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refused, however, because that death did not happen in the hospital. Schildhaus said he would not sign it. It was the middle of summer, the dead man had already been lying around for two days and I did not know what to do.

Now, whether it was by accident or design, there appeared in the hospital a Roman Catholic Theologian, a young fellow and member of one of the largest orders in Czechoslovakia. Dr. Schildhaus knew this man well and sometimes, half in jest and half in earnest, would ask; "What do you say about this as a priest?" His name was Peter Kajetan Dohnal. He said "I repudiate any killings, I cannot approve of that, but I bring to your attention the fact that it is a great crime on the part of the SS to leave thousands of people without any form of administration of justice or at least with only SS administration of justice." At this time the Red Army was a long way off and it did happen that there were many persons, including even a physician and the one who was asked before me was asking, what he had done.

Well, to begin we had a chance to turn the man over to the SS. I did not do so. This was a very dangerous decision. These men had been decontaminated and had been removed from them, could not be handled and it was very difficult either to leave so many people without any form of justice. I said before that I repudiate all killings and I cannot understand. This was a very striking thing to see and it was an internal problem always being discussed among us especially the illegal management of the camp and the underground management and its own attitude toward such killings.

For instance, in the case of a man who committed a homosexual act, he was simply killed.

Again I repudiate that, but if I go home and if a regular trial takes place on this matter, then I am convinced that for example the man, who had denounced the sixteen people to the Gestapo, ten of whom were hung, I would like to believe that before a regular Czech court he would be condemned to death.

Now, today, I would like to give my answer to that under-ground management. There is the man who perhaps is dead, but how many would have denounced at that time, and he not been killed; how many would have died as a result of his acts if he had not been killed then.

Q. What do you know of the activities of Dr. Hoven in block 46?

A. I know this block; I spoke with Dr. Hoven and asked him what was to be done with block 46; it had been fenced off specially and I did not know at that time it was to be an experimental block where human beings were to be treated like guinea pigs. Dr. Hoven told me then that Dr. Brudzowsky would do something there and I did not discuss the matter further. I knew Dr. Ding at that time and that was enough for me; however, I was interested in this matter. The doctors slept in a room containing eight beds and among us there was a prisoner tailor. This man said to us, please don't give us typhoid or anything of that sort. Whereupon I said of course not. He said, "I saw no clothes and the clothes are sent out to one place and another; there is no change there. I want to be perfectly sure I am in a perfectly clean room. In addition, Dr. Hoven comes to us and says, if he comes so often the clothes must be hygienic." There was a shoe repair shop. We could not go around without operating.

room in wooden shoes and there were no soles in the camp. I, as usual, simply turned to Dr. Hoven with the request for soles and received them from block 46, so I assume there was a shoe repair shop there also. Whether Dr. Hoven worked on the typhus experiments, I do not know as I was never in block 46.

Q. What do you know about Dr. Hoven's activities in block 50?

A. That was the vaccine production institute of the Waffen SS. The origin of this institute with its broad name did not get to Buchenwald by accident. The SS doctors were changed, the situation among the prisoners was uncertain, there was a commando or detail on which the prisoners could be put away.

Long before the detail was founded, Dr. Hoven told us that it is possible that a hygienic institute would be set up in Buchenwald. This would perhaps do something among the lines of producing vaccines against typhus and he told us that he would have preliminary discussions concerning this in Berlin and again he mentioned the name Krugowsky. After awhile Dr. Hoven came back and said that the institute would be set up. We were not serologists, we did not know anything about this business and it was a pretty important matter. We had heard that Dr. Ding would take it over and Dr. Ding was a man of varying moods. Then, we were finally told that the institute would be there. We were interested because we knew that the SS would not make the vaccines. Then, Dr. Hoven told us that no one knew that and, he knew of no one who could come from Mauthausen at the time. I was there in Mauthausen and there was a Czech serologist,

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a University Professor from Brno, by the name of Thomasek.
I told this to Dr. Hoven, who jotted down the name, but
Thomasek did not come at first and came only later. After
the liberation we found out that he had been taken from
Rothsden from Berlin and sent to Auschwitz.

In Auschwitz he was also under the charge of a serologist but the general situation in Auschwitz was much worse than it was in Buchenwald, so we merely did him harm by making this request for him. Well, the detail was set up and was called Block 50. Inmates were housed there, particularly Nacht und Nebel prisoners, Dutchmen, by the name of Biek, Robert, and many others. There were Jews. It was also a risk to send them there. Professor Fleck was one of them from the University of Leipzig, one of the best men in typhus research in western Europe; and Ding was chief.

Now, everyone was afraid of what would happen if Dr. Ding was in a bad mood, and everybody said that all of a sudden what would happen would be that the detail would be shifted to 46. Thus I can very well remember that these prisoners negotiated with Dr. Hoven or at least pointed out to him that either Block 50 should be subordinate to the Standort physician or Dr. Hoven would have to appoint somebody in charge of the personnel there. This took a lot of weight off everyone's mind in the camp, that is, that Dr. Hoven was Ding's deputy for Block 50.

Q. I come now to a different point. Were you the liaison man between the Czechoslovakian prisoners and Dr. Hoven?

A. Yes, I was one of the liaison men.

Q. Were you also a member of the underground camp management?

A. No, these differences of opinion regarding camp justice prevented that.

Q. What was your activity as liaison man for the Czech prisoners?

A. The following: We had been taken over into the Protectorate by Hitler. It didn't cost him anything to call a part of the prisoners honorary prisoners, and these honorary prisoners had certain privileges. One of these privileges was that now and then such a prisoner was freed. Now, Dr. Hoven always went immediately and said, "I can release about three people. Write me out three certificates." When we asked him which prisoners he wanted to have freed, he said, "Well, you talk it over in your Czech block and decide." In other words, this was done in a very

democratic way. We decided who was in greatest need of being set free. We talked this over and then I went back to Hoven and told Hoven that such and such a man would be a good man to set free. Such requests were what I took care of as liaison man.

Q. Did you frequently turn to Dr. Hoven with requests on the part of other inmates?

A. No, I have to correct you. There was something of an official system among the inmates. Everyone had access to Dr. Hoven regularly. Thus regularly we made requests. It was not a matter simply of requests but of suggestions, and all this was done very regularly.

Q. Did it ever happen that Dr. Hoven refused a proposal that you made in behalf of the prisoners?

A. We made several justifiable requests of Dr. Hoven, but these were serious questions, particularly medical matters, were all reported to Dr. Hoven and I cannot recall that any one of them was ever refused.

Q. At what time did the defendant Hoven help the prisoners?

A. I have already said that Dr. Hoven did already at the point when Germany was being most successful in the war, even then Hoven often helped the prisoners.

Q. In connection with this testimony I show you again Scholker's testimony from Document SO-1063, Exhibit Number 328, Page 14 of the English and 16 of the German translation. I quote verbatim what Scholker said, "Later, when it was almost certain that Germany would lose, he did many good things."

Now, in view of this testimony, I ask you again, did the defendant Hoven do good things for the inmates only after it became clear that Germany was going to lose the war?

A. I have already testified and I reiterate.

Q. What do you know about the prevention of "Nacht und Nebel" transports through Dr. Hoven?

A. We knew if something was done in the political department or if something concerned either us as individuals or as groups. First of all

Dr. Hoven succeeded in relieving some prisoners from service in the political department. From the Czechs, the present Landesminister Dr. Dolansky, he brought us a number of things. But Dr. Hoven was a very precise informant, and so he came to us once with the news that there existed an S.S. commando. We didn't know what that meant, and we were told that it meant "Nacht und Nebel". We heard from Dr. Hoven that this was a horrible commando in Detmoller, consisting mainly of Norwegians, and from the camp particularly Dutchmen were sent to the Nacht und Nebel commandos.

There were a few nurses among these Dutchmen, Kessner, Robert, then the well-known painter Pick, but there were also prisoners of whom the illegal camp management had said that they should stay in the camp. With this matter also recourse was taken to Dr. Hoven. Thus the camp management could not put prisoners at the disposal of K and N, and thus it was good not to get in touch with prisoners if they were a part of that commando. If they were in Block 80, they could be kept from being shipped to Detmoller to the Nacht und Nebel commando.

Q. Do you know of other transports which Dr. Hoven prevented?

A. I can only tell you the broad outlines. Once a transport was standing outside the hospital with a few hundred persons, including all the old German political prisoners, Czechs of all professions, ministers, university professors, workers, members of parliament, and so on. I was quite sure that this commando could not go off if Dr. Hoven had not seen the commando. It was to be transferred somewhere to the north to Magdeburg, I believe, Magdeburg, Elsen. I sent someone out to Dr. Hoven's house with the request that he come to the camp. This was late afternoon. Dr. Hoven did come and immediately sent the transport back into the camp and said he wanted to examine the prisoners. Later we worked things out so that we could save the majority of the prisoners. We knew that this was an extermination commando because these were really weak persons and invalids.

Q Can you tell the court the number of people who were saved by Hoven from this transport?

A With the Germans, Czechs, a few hundred prisoners, it might have been two-hundred.

Q Who had ordered this extermination, the commando?

A That was certainly on the transport from the camp management, it was certainly a RSHA transport.

Q Can you give the Court the names of a few persons whom Dr. Hoven saved from this transport to Mauthausen-Gusen?

A All professions were represented, ministers, ministers, representatives, all sorts of persons who were in this transport. Dr. Hoven did not concern himself with the names.

Q Can you tell the Court about the release of members of United Nations, which Dr. Hoven brought about?

A Of the United Nations, not too many of the United Nations came into question here. It was out of the question to send a Pole home, so any questions comes only of Dutchmen and with Czechs at this time. Later, French and others were included. Among the Dutch, whatever happened about that, that took place at the time after I was in the camp, and so far as Czechs are concerned, from time to time three, four or five were freed, as I have already described, but Germans also were set free, as one or two always being let out from time to time. I have described those events already.

Q Please describe to the Tribunal how the defendant Hoven opposed the measures of RSHA?

A The general rule was the beating of prisoners, and the SS gave the prisoners; so all of a sudden a prisoner was told that he would receive twenty-five strokes, but this verdict had to be approved by the commandant, officially by the RSHA. Prisoners were so beaten that whole pieces of flesh were torn from their body; I have seen cases where the leg had to be seen, or part of the leg could be seen, and this affected all sorts of prisoners, whether they were habitual criminals, or any other

kind. These were all taken to the hospital and treated. I can even remember a political prisoner from Bremen who simply could not stand to receive a beating of fifty strokes, so this beating was carried out under the supervision of a doctor. He was kept for months in a hospital, and I believe that the matter was sort of forgotten, because the camp commander who had brought this case up was relieved, and the man was then spared receiving the rest of his beating. Then he was reassured that in that connection he would not be beaten to death. Then there was the question of the Jews. The Jews were simply loaded into trucks, and disappeared, and a couple of days later people came and told us to take their names from the file index. These were transports in which there were never any medical examination to see if a person was fit to travel, whether they were seriously ill, or healthy. I believe this was the transport at the beginning of 1942 in which Jews were to be sent away en masse. They were all loaded on stretchers in the hospital, but as soon as they got around the corner, they took them off the stretchers, and disposed of them in another way. I myself intervened for a Jew named Cohen. He was sent from Czechoslovakia to Buchenwald, from the prison window I could see his wife with a newly born child in her arms, that from my window, and this sight of this woman so moved me, and I took what effort I could to help him. Cohen was carried around the corner like the others, I think that was the result of having him freed. But this was in opposition to the SSAs, and then there were activities with the Nacht und Nebel prisoners. Then there was also individual actions. A young metal worker of the name of Stari, who is still alive today and in Freiburg, in a restaurant poked out Hitler's eyes in a picture, and he was brought to camp in a terrible condition. He was a good worker, and he was put to work in a quarry, but simply had sharpened the instruments in the quarry, and the leadership wanted him to stay there. One day after Hoven came to the camp, "Do you know Stari," I knew that story, and I said, "Yes, I did." Then Dr. Hoven said, "Things are not going too well with that man, we must take Stari into the hospital," and a few days later he was called

to the door, and either I or someone else was to examine him, and an answer came that he was sick, and then this was done, and in this way the man's life was saved. This was also a measure taken against the LSH. There was also an affair that concerned me. I was known in my region in Czechoslovakia, and this was the only case in which a representative of the Kreisleitungs came to a camp to take a look at the situation. It was quite clear that he had come for that reason, to see to it that all possible measures were taken against me. At that time I was not present, and he really believed that these measures really were carried out, but these are not shown, and specific cases that occurred, and this to me, is one of Heyden's activities against the LSH.

THE PRESIDENT: It will be necessary to suspend the examination of this witness at this time until tomorrow morning.

The Tribunal has considered the objection in the part of the prosecution to the calling of the witnesses Topf and Berkenau on behalf of the defendant Sievers. These witnesses were applied for by the counsel for the defendant Sievers, sometime ago, and an order was entered by the Tribunal that the witnesses be called. This order was entered without any objection on the part of the prosecution. The prosecution, however, this morning moved that the witnesses be not called on the grounds that the statements made concerning their testimony were beyond the legitimate field of inquiry for the Tribunal. The Tribunal has examined the applications for the witnesses, and the memorandums filed today of Dr. Weisberger, attorney for the defendant Sievers. The Tribunal is of the opinion that the testimony which counsel for the defendant Sievers propose to elicit of these witnesses is within the field of competency before the Tribunal, and that the testimony may be appropriate to be heard before the Tribunal. The order is then signed by the Tribunal directing the witnesses be called. The order being dated February 4th, 1947, will be carried out.

The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(The Tribunal adjourned until 1 April 1947 at 0930 hours)

Official Transcript of the American Military
Tribunal in the Matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
1 April 1947, 0930, Justice Seale presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal I. Military Tribunal I
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are
all present in court.

THE MARSHAL: May it please your Honor, all the defendants are
present in the court.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in court.

DR. VINGSLAY BORN - Resumed

THE PRESIDENT: Have any of the defense counsel questions to pro-
ound to this witness?

BY DR. GAMBI: (Counsel for the defendant Waldegar Hoven):

Q. Doctor, please describe Hoven's attitude and behavior toward
the Poles.

A. Despite the fact that the Poles were in a much worse situation
than we were, I never saw that Dr. Hoven behaved otherwise to the Poles
than to the others. The best example is the so-called Germanization of
the Poles. The Poles who worked in Germany and who had sexual relations
with German women were brought to the camp and were hanged. After a
certain length of time a regulation appeared which said that suitable
Poles could be Germanized. The Germanization consisted of an anatomical
examination where the persons were measured all over the heads, their
feet, their mouths, their noses. They were given intelligence tests, a
certificate was written out, and then the Poles were released and some
of them were inducted into the Wehrmacht. Thus, the examination to which
they were subjected actually saved their lives. Dr. Hoven usually left
this examination up to us non-German doctors and please observe that we

were doctors who did not even understand so-called racial medicine, ethnic medicine. He wrote up the examination and the persons were thereupon Germanized. In this way a few Poles were saved.

Q. Can you describe to the Tribunal measures through which the defendant Brown protected Czech citizens?

A. Dr. Brown was in touch with the Czechs largely in connection with the protectorate action. This was the action in which the Gestapo in a few days disposed of a few hundred Czech intelligentsia and workers and sent them to a concentration camp after the 1st of December 1939; in other words, right at the beginning of the war. This group of persons was, to be sure, called an honorable group of prisoners or hostages. They were allowed to keep their hair and they could write home every week, but in this whole Nazi system there was nothing legal and nothing well secured, certain. After a short period of time these prisoners also were given hard labor.

It is a sad thing when an official who sat at his desk for twenty years all of a sudden has to work in a prison. These again were ministers, scientists, representatives, leading persons in political life who simply were not able to stand this work without doing themselves serious physical damage.

There was in the camp a so-called stocking repair shop where stockings could be mended but it was no secret that this stocking-mending department was only for the very old inmates who had been in the camp a few months ago. Dr. Brown formed a branch of this stocking-mending section where he employed all the older Czech inmates who were fit to do physical labor; including Dr. Semel, former of Prague and representative of our crime minister, and many others.

In another institution which Dr. Brown instituted was the so-called Holy Research Company (Ahnenerbe Forschungsgesellschaft). The SS wanted research carried out as to heredity as far back as the 17th century. It was no easy matter to find these documents. However, the officials had to needed cranks. They were the new Nazi aristocracy, and since

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Dr. Hoven had found among the Czechs an expert in heraldry, he formed a team which accommodated many of our painters and other persons. This team became more important later.

These were the generous measures that Dr. Hoven took to assist Czech citizens.

Q. What was the SS Camp Administration's behavior toward the Czech inmates after Heydrich's death in May, 1942, and what did Hoven then do?

A. The days after Heydrich was killed were the most difficult days that we Czech inmates in Buchenwald went through. We heard from the SS various stories as to how the Czech nation should be handled. We heard it at the end of 1938 was the end of the Czech state and 1942 would be the end of the Czech nation. In this difficult and dangerous atmosphere the news arrived of Heydrich's assassination. It is certain that the SS had already taken measures in Czechoslovakia because of this, but in various places we heard that the Camp Administration, on its own initiative, had also taken measures against Czechs. This naturally was the part of the commandant and the Gestapo chief in the camp was a very important matter. On the same day, in the afternoon, when we were waiting to find out what would happen to us, Dr. Hoven came and said: "The political department is quiet", and repeatedly thereafter every day we received such news from Dr. Hoven, and we were assured that neither the Gestapo chief nor the camp commandant, on his own initiative, would take measures against the Czech inmates in Buchenwald. Very soon afterward there were indications given by a Gestapo officer that we Czechs because, in general, we were regarded by the Nazis as a dangerous inferior nation possessing a weak but brave Jew. It was not just an opinion or a guess, but rather the fact. It was in fact a fact that we may wish to not admit even if we were for one of the million people. A similar case in extermination camps, deport and killed, and four million more left, they are then ripe for extermination." Dr. Hoven pointed out that the Czech nation could not be exterminated, we had the Führer. Dr. Hoven pointed out that in the future the camp commandant also had the power of extermination and all political parties in Czechoslovakia were able to tell Dr. Hoven that in Germany there was no such thing as a Jewish nation.

Q. How did you know the camp was quiet by inmates in Buchenwald?

A. The camp was quiet in September, 1942?

Q. What did you mean by quiet Jewish inmates?

A. I am not sure I should say more in this regard to the situation.

A. These were Jews who simply said that they were insane by trade and thus saved their lives. Also there were Jews in the sick bay detail and in Barracks 50, the vaccination barracks. I should estimate that they were between two hundred and three hundred. There could have been more.

Q. And what do you know about the fact that these steady Jewish inmates were saved by the defendant Hoven?

A. When it was said that the Jews should be removed from the camp it was pointed out, from the statistics of the camp, that there were no Germans there. Then the suggestion was made that the Jews who were capable of work should be mobilized and put in that commando. Thus, many persons were certified by Hoven as insane. These Jews were certified as insane and were used as change men, in this way, most of them were saved. These were the two hundred or three hundred Jews I mentioned later.

Q. And what further measures did the defendant Hoven take to save Jews? Were also did he accommodate Jews?

A. I have already said - in Block 50 and in the hospital.

Q. Were the prisoners interested in seeing to it that Hoven remained in the camp?

A. The old inmates, who had been there for a long time, or inmates who had something to do with the camp administration who knew Hoven's discrimination between recent and non-recent prisoners - they were interested in seeing to it that Hoven remained in the camp.

Q. Why did these inmates want Hoven to stay in the camp?

A. It was never known who his successor would be or how he would behave. At that time, our attachment to Dr. Hoven was too great and I point out this business with the Gestapo and Rudolf Heilmann. If Dr. Hoven had not been in the camp, the Dutchmen would have disappeared without our knowledge or consent.

Q. Were the inmates also interested in having Dr. Hoven take over the command of Block 50?

A. I described that yesterday.

Q. Did the defendant Hoven only help inmates when he had some personal interest in it?

A. No, that is not so. Dr. Haven told many inmates freed what he did not even know and whom he met perhaps for the first time only when they were being set free. Dr. Haven certainly received something from the inmates. They spoke well of him, for instance, later. For instance, the Dutchman Plack who was a typical academician, a painter. He was commissioned to make medical drawings but had no talent for that, nor could he be used in a quarry or any such heavy work of that sort. Dr. Plack certainly did a great deal for Dr. Haven but I never had the impression that Plack was, in any way, exploited. He had been used by the camp from Holland in a terrible physical state. He recovered. Haven also saw to it that he didn't get into the West End Medical section. It was also a terrible situation that he tried to do something for a man in the camp hospital and was unable to do so. The other shops were the same. All there was talk in the diary of sending Haven to the gutter. No doubt Haven had better, and the whole hospital received better too. Then later as director of the TB section or station was Dr. Dupont, a French theologian, he was a leading physiologist in Paris on St. Germaine - he was surprised with the TB patients received in the camp. But the official alignment was not the thing, but the other thing is that Dr. Haven did through his connections of an economic nature. I spoke yesterday of the toilet paper which was multiplicitous sold for us and for Dr. Haven. The Austrians had a rule "Lies and Let Live", and this was true also of Dr. Haven. He lived, but he also let others live.

Q. What was the inmates' behavior towards Dr. Haven after the camp was liberated by the Americans?

A. For a long time Dr. Haven was not in the camp since he had been transferred. Shortly before the liberation, Dr. Haven returned to the camp. He was with us and came several times. Then on the 11th of April, 1945, the prisoners that all SS were to leave the camp, we went out to try to find out what the situation was, and I remember that one of the things that we did was "Haven did not run away. Haven did not go into the underground of the camp." Later I found out that Dr. Haven did not go into the underground after the liberation in the camp.

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I myself didn't see him, but I heard that said. Also on that very first night I was called by the American military authorities and I was asked if I knew where Dr. Ding lived. I knew only that he lived in a house there with his family. On this occasion I found out that statements by the inmates had already been made about Hoven to the American military authorities.

Q. What do you know about the contents of these statements?

A. I didn't read the report, but I had the impression when I spoke to the American authorities that this report on Hoven was an official one.
DR. GAWLIN: No further questions.

THE PRESIDENT: Are there any questions to the witness on the part of defense counsel?

Mr. DORR (Representing counsel for defendant Pinedick):

Q. Witness, do you remember from your activity in the Buchenwald hospital a Danish doctor who carried out hormone experiments on inmates?

A. Yes, a Danish Sturbsenführer.

Q. A Danish Sturbsenführer, yes. Do you remember his name?

A. I don't remember his name but I remember this was during Dr. Schidinsky's time. One time Schidinsky came to me and said, "We will have to use hormone treatment." I told him that we had very little room. The other campers had already delivered patients to us who had been wounded in Germany. Dr. Schidinsky knew this but he thought it was only a very few and that this would be a matter of receiving a whole crystal hormone and these were to be applied to persons who were being heavily sterilized or were homosexual. I asked Schidinsky what sort of drug this was. This matter interested me. Shortly after this conversation the "Schweizerische Medizinische Wochenschrift" had an article which described the application of use of these hormone crystals by a Swiss doctor. I did not concern myself about the matter any further. The group of six inmates arrived. Of course they were very frightened. I could only tell them that this was a whole hormone and that I would tell them it couldn't be a dangerous process. This was an answer which at first I had no reasons for but I later did find reasons for. It was in the year 1944, the second half, at a time in which the prisoners were not being treated as often. When they were accused of anything, they were brought before the camp court, and this was the time when Schidinsky would not sign the death certificate unless they had been testified by chosen prisoner-doctors. So I did answer that I did not think this would be a dangerous matter.

Q. Let me interrupt you. How many people were involved here?

A. The first group was not more than five or six prisoners. The second group was a few and they were examined. Then, after a few months,

they were accommodated on straw sacks in the hallway because we had no room. Perhaps there were twenty to thirty people lying on these straw sacks in the corridor.

Q. How was this implantation of these tablets carried out?

A. I was not present but my assistant, who was present, said that the work was done very slowly and very carefully. A small 2 centimeter-long incision was made and the crystal hormone was inserted, whereupon the incision was again sewed over. My assistant, Franz Brunk, an editor from Singen on the Swiss border, already knew about this article in the Schweizerische Medizinische Wochenschrift and he said, "Why do this in such a roundabout way if it could be done so much more simply?"

Q. Were these prisoners all Germans or were there foreigners among them?

A. I believe they were sterilized prisoners and homosexuals but, as I said, I did not concern myself about this matter too much.

Q. Do you know whether these prisoners were told ahead of time what was going to happen to them?

A. In general it was customary in the camp not to tell the prisoners what was going to happen to them. I know that many Germans who came for necessary operations were not told that they were going to be castrated until the last moment. It was sort of a false pretention. Some were sent to us and then we explained to them what the operation was for.

Q. Dr. Schidloewitz's affidavit, Document W-504, says nothing about fatalities that occurred. However, Dr. Brown testified that he knew from someone else that two persons had died in connection with this treatment. What do you know about this?

A. The first group of six prisoners and the others were treated in another barrack. They were turned loose after six days. The wounds healed well and from this we can assume that this operation was not in any way poisonous. The prisoners were well healed and were left alone later. I cannot recall any fatality.

Q. Who carried out this implantation of the tablet? Were they trained persons or were they other persons?

A. There was, among others, this Danish Sturzbahnführer you mentioned.

Q. Was he a conscientious man or was he very casual in his work?

A. You could see that he was not a professional surgeon but you could see that he really understood what he was doing in this operation.

Q. So, in connection with this treatment with hormone tablets, you really could not call these experiments but rather call it a method of treatment?

A. The Sturzbahnführer used the word "experiments" and delivered long lectures on the subject. Anyone could take the aforementioned Swiss Journal and put it on the table in front of him and show him that this method had already been used. Since we never heard anything more about this Dane's method, let me say that this was the whole technique of the SS. Let us say that I am working with hormones and I say, "Mr. Hospital Director, let me try this out, etc." The SS doctors always used the word "experiment". I saw these people during the next three months. They came to the hospital occasionally and so I believe that you cannot speak of experiments but really of the application of a preparation which was well-known and which had long been in use. Even if we did not actually have this preparation in our hands, at least we did know that it was not poisonous and did not kill persons.

Q. Did you yourself talk with Dr. Wernet, who was this Danish doctor who carried out this treatment?

A. When I read the article, and this literature was available to us through Block 50, it did not interest us because it was a well-known matter in the medical world. Only the manufacture of this crystal hormone was new but the general treatment was an old and well-known matter.

Q. Did Dr. Wernet tell you that he had had success in this treatment with his own private Danish treatments?

A. I cannot remember that.

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Q. In connection with Dr. Wernat's treatment did you ever hear the name of Poppendick?

A. No.

DR. DOERN: I have no further questions.

THE PRESIDENT: Any other questions of the witness on the part of any defense counsel? If not, the prosecution may cross-examine the witness.

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BY MR. HARRY:

Q. Dr. Horn, how many beds did they have in the hospital barracks in the Buchenwald concentration camp?

A. I said yesterday, in December of 1941, when I came to the camp, there were about 300 beds.

Q. Now how many inmates approximately were incarcerated in the Buchenwald concentration camp; that is including the little camps and all the subsidiary camps there?

A. About 6,000 when I got there. The number increased and I believe that when Dr. Hoven was imprisoned there were about 15,000 there, that is September 1943. Then the number grew enormously. I said yesterday that when we were freed there was even a number as big as 140,000.

Q. And still throughout that time there was only one hospital throughout the Buchenwald concentration camp; is that correct?

A. No, we had the main hospital and then we had the small hospital. Unfortunately I cannot tell you when the small hospital was opened, but when the Polish came in next morning the small hospital was opened.

Q. Until then throughout all this time you never had any more than 300 hospital beds available; is that right?

A. Until the small hospital was opened, when the Polish came, they had 300 beds available for patients or sick people.

Q. Now, Dr. Horn, what was your connection with Dr. Hoven? Were you Dr. Hoven's chief surgeon in the hospital there?

A. I can repeat the question.

Q. Regarding your connection with Dr. Hoven; were you the chief surgeon on the staff in the hospital under Dr. Hoven?

Q. Before I arrived the prisoners told me that there was no surgeon at all there. There were locksmiths and bricklayers as assistants, who did surgical operations and when I asked how this was possible, I was told that they had a few Jewish surgeons there who had performed surgical operations. There was particularly the Prisoner Warden who was to learn surgery from the Jewish Doctors there.

Q. Now what qualifications did Dr. Haven have along the surgical lines?

A. Dr. Haven openly told me that he had too little medical training and that he would like to learn surgery and other branches of medicine. He assisted me for a time, but he did not have the time or the patience to let himself really be trained.

Q. Did you then make an attempt to teach Dr. Haven some of your technique in surgery?

A. Yes; I did try to do this.

Q. Now in direct examination, Doctor, I believe you said that Haven helped considerably certain political and national groups, especially the German Communists and Czech Slovaks, the Poles and I believe the Dutch hostages during the war. He was first a doctor; this group you speak of, or the groups that you speak of, were only a very small part of the inmates of the camp; is that correct?

A. That is so; yes.

Q. Would Dr. Haven act against the other inmates in the camp; was he equally as ruthless as the SS Doctors?

A. The situation is this, after our liberation even, we discussed this matter. We were asked by the American authorities several times asked to define the SS activities. We tried to define the SS for the American authorities and I told you how we defined the SS. The SS was

Q. Before I arrived the prisoners told me that there was no surgeon at all there. There were locksmiths and bricklayers assistants, who did surgical operations and when I asked how this was possible, I was told that they had a few Jewish surgeons there who had performed surgical operations. There was particularly the Prisoner Doctor who was to learn surgery from the Jewish Doctors there.

Q. Now what qualifications did Dr. Hoven have along the surgical lines?

A. Dr. Hoven only told me that he had too little medical training and that he would like to learn surgery and other branches of medicine. He persisted for a time, but he did not have the will or the patience to let himself really be trained.

Q. Did you then make an attempt to teach Dr. Hoven some of your technique in surgery?

A. Yes; I did try to do that.

Q. In direct examination, Doctor, I believe you said that Hoven helped considerably certain political and national groups, especially the German Communists and Greek Slav-Soviet inmates and I believe the Dutch hostages being the first in the first camp doctor; this group you speak of, of these groups that you speak of, were only a very small part of the inmates of the camp; is that correct?

A. That is so; yes.

Q. Now did Dr. Hoven act against the other inmates in the camp? Was he equally as ruthless as the SS doctors?

A. The situation is this, after our liberation even, we discussed this matter. We were asked by the American authorities several times what we defined the SS activities. We had to define the SS for the American authorities and we had to tell you how we defined the SS. The SS was

military group with a nazistic ideology, which had to be ready to exterminate individuals, groups or whole nations on orders. Every SS man was permitted to carry out such killings on his own initiative. The group of SS doctors - and this we told the American authorities - we said would be a blot on medical history; that in the 20th century a group of doctors, trained at the best universities in the world by the best teachers, should have so subjected themselves to nazistic ideology that they would not only by order kill certain groups and masses of people, but even at their own initiative. This we said to the American authorities.

Now, we turn to Dr. Heyden's case; He certainly was an SS doctor, with all the SS attributes, although I never saw any killings by him. Dr. Heyden too could drill inmates, on his own initiative, but Dr. Heyden took the measures that I described in detail, which which were of great benefit and help to the inmates.

After the American Army liberated us, we stood before a monument to the prisoners, who had died in Buchenwald, I believe 51,000 prisoners were killed in Buchenwald. At this ceremony, doctors of all nationalities came together and we discussed the question what we had done to mitigate the enormous suffering that took place in Buchenwald; we were clear about the fact that we were to a certain extent successful. I believe ours was the only one of the large camps where the spread of typhus had been fought and I also, know, Dr. Heyden, that my statement on the subject is quite different from statements of doctors from other camps.

I am much concerned with the lives of free prisoners in all countries and I ask myself, why is it what I say is different from what others say; how come competent doctors in other camps did not have the success whereas we could do

it and yet our treatments are different? I can simply say that the other doctors simply did not have an opportunity as we did to come in touch with another Dr. Hoven.

Q. Now, in the course of your duties at the hospital barracks in Mauthausen; were you familiar with the room in the hospital number 11?

A. Yes.

Q. To your knowledge, were patients exterminated in room 11?

A. Dr. Prosecutor, as far as I can remember number 11 was in a special barracks called A.H. It was after discussed in the camp, but I never saw anyone killed there; they were collected there for some length of time and then turned loose again. Why did I not see it? There were three camp physicians in the hospital and we received from Dr. Hoven a written order that we had to sign that the sphere named "A.H." was not to be entered by us and we did not enter it.

Q. If I understand it correctly, you would say they assembled patients or inmates in room 11, then eventually the number of inmates were exterminated. Did you hear of this? You never saw it, you don't know of your own knowledge; did you hear of such exterminations from the other members of the staff?

MR. GALLER: Object to this question. The witness said he had never seen it, that he had never entered the room and for that reason he cannot answer the question.

MR. TROTT: The witness said that he heard about it and hearsay is permissible here, as I understand it. I am asking the witness if he ever heard about exterminations in room 11.

MR. TROTT: The question in the form propounded to the witness is objectionable and the objection is sustained. The witness may be asked if he is aware of the general situation in the camp, in Room 11, what happened there and

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st. 5 happened after people went through there.

Q. Witness, did you ever hear the term Euthanasia in connection with the Buchenwald Concentration Camp?

A. Yes.

Q. What do you know about it?

A. Euthanasia was a word that was used for the killing of the inmates.

Q. What type inmates were killed under the guise of Euthanasia, witness?

A. I never saw that -- not this. I don't know what prisoners were chosen as the ones taken. Consequently, I cannot answer your question.

Q. Where did this Euthanasia take place, do you know?

A. No one could move about freely in the hospital could see that the Euthanasia could only have been carried out in Room 11.

Q. Do you know whether or not the defendant Heyon carried out these Euthanasia killings?

DR. GILK: I again object to this question. The witness stated that he never saw it, that he had never seen it. Consequently, he cannot answer this question. He does not have the necessary knowledge to answer it.

THE PRESIDENT: The witness may answer the question Yes or No -- nothing to leave.

A. I said I never saw it. I did not see Dr. Heyon ever kill anyone.

Q. Did you ever hear that he killed anyone in this Block 11?

A. The prisoners were among themselves about the fact that someone was killed.

Q. Did you ever hear that such killings were carried out by Dr. Heyon?

A. Yes. It was said that in the hospital the people were killed. The question was asking about Dr. Heyon. Dr. Heyon was mentioned as the person responsible for and carrying out these killings but, as I said, I never saw it.

Q. Now, did you ever hear of people that reported to the hospital barracks after a hard days work for medical treatment and after reporting to the hospital barracks they were sent to Room 11 and eventually interned? Did you ever hear of such cases as that?

A. I did not hear that.

Q. Now, you are familiar with Block 46 in the Buchenwald Camp, are you not?

A. Yes, I do. I testified about that yesterday.

Q. Did you understand that Dr. Ding was the Chief of Block 46?

A. Yes. I know that.

Q. Who did you understand to be the superior of Dr. Ding?

A. I was clear in my mind that Dr. Brugowsky was Dr. Ding's superior or that Dr. Ding belonged to Dr. Brugowsky's Hygiene Institute but we kept about the question of infection that was being carried out in Block 46.

Q. Was Dr. Hoven considered to be Dr. Ding's Deputy?

A. Please. I said yesterday that I know nothing about this and had not heard anything of it.

Q. Did you know anything about the selection of inmates to be used for the experiments in Block 46?

A. Mr. Prosecution, when a person is in a camp as long as I was, they tell you a good deal and when you ask what I heard, I can tell you some. In Block 46 —

Q. Just a moment, witness. For your information you are here testify to what you have heard within the camp and as to what you know about as your own experience and as to your own knowledge. So, you say —

A. I was never there and of my own experience I know nothing. But, it was perfectly clear in the camp that experiments were being performed in Block 46 and that prisoners were chosen for these experiments. I believe that the political department took care of that selection. People

in the camp were afraid of Block 46. Mostly they were prisoners who belonged to the non-friendly group of personalities and we who had some sort of other activities were not afraid that we were going to end up in Block 46, but many did have that fear.

Q. Well, were those experimental subjects used in Block 46 men who had stepped out of line and volunteered to be subjected to these experiments?

A. No, I doubt that.

Q. Witness, in the operating room in which you worked did they keep a large quantity of poisonous substance which could be used for intravenous injections?

A. For Procaine, I was asked about oxygen by the American military authorities very specifically. Evipan is an intravenous narcotic substance. We have to be very careful in that matter. You have to use oxygen, must use Evipan as a chief anesthetic with oxygen. Before I was pointed out what the nurses did in anesthetizing they used Evipan and there were about 800 doses of Evipan there in the surgical department. It is a very good medical theory that oxygen should be used in such cases - hernia, appendectomy -- but I used it as a local anesthetic. I was given it as worked only with local anesthetic. I was asked what had happened to Evipan during operations by the American authorities, for the amount of Evipan got smaller and smaller until after about six months there was none left. Very small amounts might be used but they were very small, indeed, not more than 5 pieces. One must assume that the large amount of this Evipan was taken outside the operating room.

Q. Well, now Dr. Braun was the direct superior of the operating room, is that not so?

A. Yes, he was chief of the whole hospital and also of the operating room.

Q. Well, did you ever hear of any lethal injections with Evipan?

A. It was said in the camp whenever I went and the word evipan it

was said evipan was being used in this way, but I myself did not see it.

Q. How about phenol?

A. I also testified on this subject. This was later. Dr. Haven had already left the camp. The general discipline relaxed and a prisoner brought by one of the sections came to me and told me "Dr. Horn, take a look at this heart. The heart is very red and smells of phenol." In the autopsy room there I used various drugs and so am no particular point to my remark by this man and the remark was dropped. Once we had a clinical report -- a section that all physicians wanted for our own medical purposes. At again this prisoner brought me a corpse and again showed me a heart where the mucous membrane of the heart was reddened. In view of the fact that in the autopsy room many drugs have a smell I nevertheless concluded that this was phenol. I tested another corpse, I told the man to open up the stomach of this corpse, the heart of which had smelled of phenol and I ascertained that the stomach contained no signs of phenol. In other words, the phenol must have been brought into the organism some way other than through the mouth. I can conclude from the way the mucous membrane looked, I can conclude that certainly this was a severe case of phenol poisoning.

Q. Whenever you visited the autopsy room in these cases of death by phenol poisoning was phenol, could you have ascertained the nationality of the person and whether or not the person was incurable?

A. No, I cannot answer that question. We saw a corpse which had no identification tag on its thigh as its only identification. There was nothing at all of that, no name, no indication of nationality. And when I saw this I did not inquire whether the person had had another disease. Dr. Rosenfeld, you must remember that although we occupied a certain position in this camp we were still in the hands of the SS and Gestapo and all decisions of that sort could have had a very bad consequence there for us. Only you will understand it, a doctor in my position, a man with a certain responsibility, too, and you will understand why I was in such matters was is, superficial as I seem to have been. A man who did become too ill to die of phenol injection. He was injected into a vein, some way or other. I can only tell you this man was killed with phenol.

Q Now, Dr. Hoven testifies in his affidavit NO-471 that he administered phenol injections to inmates. Did you know that?

A I never talked with Dr. Hoven about this; and I refer to what I have already testified, that a part of the prisoners, who were afraid accused Hoven of carrying out these killings.

Q What do you know about the deportation of Jews from Buchenwald to unknown destinations?

A That is true. At the beginning of 1942 suddenly the Jews were carried out of the hospital; and on this occasion it happened, as I said yesterday, that was the Joe Kohn, the man, whose wife, and child, that I saved this man. These sick Jews were transferred elsewhere.

Q Now, who selected these six Jews for transfer, or were they just picked at random?

A Not six, but sick. Mr. Prosecutor, the way these Jews were chosen I am sure that that was an order on the part of the political Gestapo department of the camp; and my experience is that this directive must have come from a political authority in the camp.

Q Well, at the time that these Jews were transferred, they were patients in the hospital, were they not?

A Yes, the Jews in the hospital were sick most assuredly, those who were taken away.

Q Well, suppose that a Jew was not too sick; in other words, his condition was one which would be cleared up in a few days. Could he have been transferred away from Buchenwald on this particular occasion?

A If I understand you correctly, you are asking whether Jews who could have been cured were taken away also.

Q Yes.

A As I heard, the Jews were taken from the details in other words, Jews who weren't sick at all in the camp. I don't believe it was just the sick Jews in the hospitals who were taken away but Jews

who were working in the commandos of the camp.

Q Now, did you ever hear the name Bornburg in that connection?

A No.

Q Did you ever hear the code letters "14-34-13" in that connection?

A No.

Q Well, now, after these Jews had left for this unknown destination, within a few days were their index cards and names removed from the files?

A We had our own file of the prisoners in the whole camp. Of course, when we heard that so and so many Jews had been taken from the camp, then, of course, we were very curious to know whether the Jews had been transferred to another commando or whether they had been gone away with. After a certain length of time the order came to take the cards from the card index, so we assumed that they had been killed; but I am only telling you now what I heard. It was said that the personal effects of the Jews were not used by the Jews themselves; in other words, that they simply were dead so that they couldn't use their personal effects.

Q Now, were you ever cognizant of the fact that the camp commandant would issue orders that certain people were to be exterminated?

A Once, it just occurs to me. I was in the corridor to the operation room where I worked. Dr. Heyon used the word "euthanasia"; and in this connection he said that the commandant had approved it that seriously ill patients should have euthanasia applied to them. I never spoke to Dr. Heyon about this further because at that moment I saw the situation which would arise if I was the only surgeon in the camp should fall ill; and so it occurred to me from this title "euthanasia" that I also might be aided via euthanasia; in other words, put out of my suffering, which, of course, I repudiated, as I repudiated any euthanasia because I was and must be in a position to relieve the patients' suffering.

After the bombing of Germany, we had great experience in these
kinds matters. Persons lay for ten or fifteen days unconscious. They
were unable to control their bladders; they were incontinent; they
couldn't eat. Finally they regained consciousness. Since I have
already mentioned some justice so much, Mr. Prosecutor, I saw and
took prisoners to these people and said to them: "You have been
lying down for two weeks unconscious, couldn't eat, couldn't drink."
We took the men to these persons, I say, but we were not prepared
for such a catastrophe as this. The man would say, "I was unconscious;
I felt nothing, felt no pain; and I am surprised that you are
bringing these matters up with me."

There is no point, it seems to me, at which it is justifiable
for anyone to apply euthanasia and particularly not a doctor in the
20th century. As long as the heart muscles are working, the person
is alive; and no one has a right to put him out of what you think
is his misery.

MR. HART: I have no further questions, Your Honor.

EXAMINATION

BY THE PROSECUTOR (JUDGE HERRING):

Q. Witness, did you understand applied euthanasia at
Reichsbank?

A. I will answer you as follows. I said that there was a
group of prisoners who said Dr. Heyden responsible for killing inmates.
I do not want to use the "euthanasia." Then Dr. Schindler came to
the hospital in the SS men whom I described yesterday who changed so
frequently; as Dr. Reppel was a rational sort of person, the new
one, Dr. Schindler was so anxious that prisoners person that he wouldn't
sign the death certificates. For a long time after he came that
they did not hear that the persons continued to disappear from the
camp. At this time, the end of 1944, it was not necessary to kill the
prisoners in the camp. They simply sent them to a work detail. Such as

Dora commando or the S-3 commando, where the oldest transports lasted a maximum of six weeks. I remember two hundred French industrialists, including the well-known Michelins, who died after six weeks of such a work commando. In other works, it was not necessary to kill the prisoners. There were other ways of getting rid of them.

The mortality at that time was enormous. We were just under five thousand fatalities a month. Nevertheless, we still heard occasionally that one or another prisoner had disappeared. To be specific, in this period we received the news that from the construction commando Dr. Polish consul in Budapest--his first name is Jan; but I forget his family name--was to come once to the camp hospital and never returned to his work commando. I visited the man, spoke with him. He was entirely normal. After two or three days I went to that same section again; but he was not there any longer. He had been transferred to another; and then all of a sudden he disappeared. I went to the nurse, because at that time it was possible to be a little curious, and I asked what had happened to this fellow. The nurse laughed and said, "You won't see him again."

I am convinced that at this time the Polish consul from Budapest disappeared in this way. Dr. Schidlovsky certainly didn't do this; and Dr. Neven wasn't in the camp; and so we must try to find the persons who did this elsewhere. There were other SS and police men there in the camp; and I am sure that Dr. Schidlovsky did not do this.

THE PRESIDENT: The Tribunal will be in recess.

THE ASSISTANT: Persons in the court room will please find their seats.

The Tribunal is again in session.

BY JUDGE SEHRING:

Q. Now, Doctor, just before the morning recess, when the court directed questions to you concerning the activities of Dr. Hoven and Dr. Schidlowsky, you give the court your version of what you know about their activities. Now, were there any other doctors at Buchenwald, during the time you stayed there, about whose activities you know? Either by direct knowledge, by observation or by the general prevailing reputation concerning their activities in that camp?

A. In the concentration camp of Buchenwald, in addition to the head SS physician, Dr. Hoven or Dr. Schidlowsky, there were two or three subordinate SS physicians. Mostly, they were very young doctors who had not yet practiced, which meant that they only entered their service as a physician in the camp, and going through all the physicians I remember I cannot pick out any individual persons. Most of the physicians were unknown when they got there and left likewise. I cannot remember that the doctors raised any particular complaints against SS physicians. There were general complaints but no special ones.

Q. When did you first become an inmate in any of the concentration camps?

A. That was in the camp of Landsberg near Vienna. This is really the territory of Czechoslovakia that belonged in the Sudetenland.

Q. When?

A. In September, 1939.

Q. How long did you stay there as an inmate?

A. I stayed there for fourteen days.

Q. Then what camp did you go to?

A. Then I mostly went to Gestapo prisons or court prisons, where the legal service was carried out by SS physicians.

Q. Now, was the period of time that you stayed in that activity in Landsberg?

A. At that time already there prevailed in Germany and in the occupied

territories in enormous lack of physicians. I went to the prison of
S. Hilberg at Brunn.

Q. When?

A. That was between December and January, 1939.

Q. How long did you stay there?

A. Until the 15th of February.

Q. Then where did you go?

A. Then I went to the Gestapo Prison Pauditz-Kainz. That is in Brunn.

Q. How long did you stay there?

A. Until I was transferred to the camp of Buchenwald. That is, the
beginning of December, 1941.

Q. How long were you at Buchenwald?

A. I stayed in Buchenwald from the 9th of December, 1941, until the
liberation, which was the 11th of April, 1945. I stayed another few weeks,
up to the 20th of May, 1945.

Q. Then you were there for a period of approximately more than three
years. Is that correct? At Buchenwald?

A. Yes, that is right.

Q. Can you estimate how many prisoners were at Buchenwald?

A. Generally?

Q. When you came there. Yes, generally?

A. I already said today.....

Q. (Interrupting) I know you did. Say it again.

A. In December, 1941, I estimated the amount to be approximately six
thousand inmates.

Q. Thank you. Now, state for the information of the Tribunal whether
that number increased from time to time while you were there and about
what the approximate monthly increase was, if you know. Or quarterly
increase? Or semi-annual increase? Or yearly increase?

A. In the year of 1942 there was a normal increase, which according to
my estimate - and I am now speaking of new additions into the camp, and
I would like to say that the total increased by two thousand people. You
see, I can't say exactly how many people died in the camp or how many

were admitted, but we know, at that time, that there were approximately a steady eight thousand there, from the kitchen.

Q. You think then that some time during the year 1942, without taking into account the transfers or the deaths, that there were approximately eight thousand inmates at Buchenwald?

A. Yes, approximately.

Q. How many would you estimate were there in 1943 under the same conditions?

A. The year 1943 was a turning point in concentration camps. At that time the camps were transferred to labor camps. That expressed itself in a manner that the Gestapo merely captured the people as one catches a horse and transferred them into the camp.

Q. And how many during the year 1943 do you think were there?

A. Under Doctor Hoven I think there were approximately fifteen thousand, but the number increased rapidly. Mass transports came to the camp from Auschwitz, etc., transport after transport came and went. Sometimes 5,000 people a day left the camp. There was no supervision to be exercised, people arrived and people went. The camp of Buchenwald - the center camp, housed at the most - and I am including the little camp - these facilities could house approximately forty thousand. The outer camp, I think, amounted to a much larger number of persons. When the American authorities liberated the camp and wanted to find out the number of inmates they found out that there were eighty-one thousand men and they wanted to know how many people went through the camp and the figure was notional; or rather it was said that there were about a number of one hundred forty thousand men, including the branches of the camp.

Q. That was the - what did you observe as to the general physical condition of the prisoners at Buchenwald when you first came there in the latter part of 1941 and during the year 1942?

A. I remember that impression very well. I remember it in the year of 1941. I entered the camp and I saw a number of elderly gentlemen, and the women, who were in a position to receive packages of two kilos. When I entered there the roll call was taking place and when I saw my

perhaps the first impression wasn't bad at all. I saw blocks of the old political inmates, mostly artisans, who worked in the camp. My impression of them wasn't bad at all. Very soon I was relieved from attending roll call by Dr. Hagen. When I started to see blocks where the inmates looked very badly. That especially applied to the Polish blocks. The blocks of Jews and witnesses were in much better condition. They were mostly workers with the SS and therefore looked better. The general impression that I got wasn't the worst at all and I mention that because I must openly admit that I was surprised. Especially the old political inmates explained to me that the pace of the work and the type of the work when erecting the camp at Buchenwald, which originated in the year of 1937 or 1938, was so severe that anyone who could not stand that work physically had died.

Q. What was the general physical condition of the prisoners you saw there during the years 1943 and 1944 and until your liberation in April 1945, as compared to the general physical condition of the prisoners whom you first saw when you first came to Buchenwald?

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down on the ground in order not to have to look. There were heaps of dead which we could not bury because we had no facilities to do so. Later, after the dead were buried, German men and women came again. They did not want to go into the Block. They cried and screamed. They said they did not want to go inside, they did not know what was happening there, they knew of nothing. If one looks at Block's printing one can only realize the extent of what the situation was. One can easily see measure if one considers the reaction of the German men and women when they looked at the camp. In January, February, March and April there were 5,000 people dead in the camp of Buchenwald.

Q. Can you state what the official caloric content of the diet of the prisoners was when you came there, not taking into account any Red Cross packages that may have come in or other types of packages, when you first came to Buchenwald? I am speaking now of the prisoners who were not hospital inmates and when we have finished this part, then I want to pass on the hospital inmates.

A. The amount of calories was often considered and debated, mainly by the inmates. That already held true at the time of Dr. Hoven. You know that everything in Germany was done on order. If one went on the order one would count on 35 calories per kilo, that is altogether 2,000 calories. That, however, was the order. Dr. Hoven sometimes inspected the kitchen with us and there we saw that the kitchen for inmates had a number of people eating there unofficially, SS and inmates who had no business there. An inmate in the hospital did not receive sufficient calories to enable him to live longer than 4 to 6 weeks. If there was a great deal of difference who received the upper

layer of any food contained in a pot where more fat was contained. In order to give you some more specific answer one must assume that the amount of calories given was very small. Considering not the center camp of Buchenwald but a branch, let us say the construction camp Dora, where most weapons were produced, these were subterranean works, or consider the notorious S-3 where subterranean work was also carried out--the inmates emerged from there after a few weeks. How could people be nursed back from there and no said there was no final station there. So food was not even close to being sufficient and the only answer was that people did not get sufficient food, the medicine was not sufficient, and people were just disappearing. All of this, of course, resulted in illness. Block 80 did not have any medical facilities and I went to confirm Professor Florschütz's statement--this depression was the depression which was seen after the first world war, which was a result of hunger. In other words, my opinion is that the amount of calories was not sufficient.

Q. Now that was over the entire period of time while you were there, not taking into account the changes which you saw come in to certain individuals from outside? Did you stop, now apart, of the official diet.

A. The official ration up until 1943 was such that there were no real symptoms of hunger. There was no depression then, there was no hunger diseases. There were no special symptoms of hunger aside in the year 1943 which were noticed on the inmates but certain symptoms were noticed by the wearing of impossible boots and by the fact that the people had to stand up for a long time. In other words, the period of 1943 was such that one could not notice

Exhibit 1.
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any particular symptoms of danger with the exception of
symptoms in the stomach and it started only in the year
1944.

2. State for the benefit of the Tribunal the nature
of the food received by those concentration camp inmates
during the year 1944. Tell us in particular what items
they would receive for an average meal and the items of
food they would receive throughout the day.

A. In the morning we received a liquid which was
called by some of the inmates substitute coffee and by
another part of the inmates, soup. There was no vote taken
whether it was a soup or coffee. From the food depot we
found out that this product allegedly was produced from
linseed, which in turn was gained from wood. One must say
that even though it was not a very good thing to eat
that after a certain period of time one drank it without
any symptoms occurring as a result. Everything was eaten
and everything was drunk but there was no caloric value.
In addition to that product we had a piece of bread from
leaf of bread which was 1500 grams. The daily ration
was, I think, and I am not speaking about the industrial
inmates but those who were not working in industry,
about 3 portions of leaf of bread weighing 1500 grams.
At noon the soup being the true. There was a soup made
of roots. I came from an agricultural country but
I cannot say what kind of root that was. The Frenchmen
who came from the Rockies called it ritabroot. This was
similar to a root but did not have as much nourishment
as the normal root. In some cases we sometimes received
pieces of potatoes—As called industrial potatoes of a very
old type which contained much poison, starting from
the roots, so that in some cases diarrhea was prevalent

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about the inmates after dring that potato soup. Now and
again pieces of meat were floating in that soup but very
thin threads of meat.

In the evening we got a little margarine, very small quantities of kumuk lade and once a week we received cheese. But was normal, there was some exceptions in the case of holidays when inmates received so-called pea soup and on the occasion of big holidays they received emblems of salt-ham.

For inmates working in the industries in the so-called A.W. zone, which was the war industry in the camp, or those working in the Gustloff works, miner or other inmates, who worked on all his active capacity, received a supplemental ration, a third or a fourth of a loaf of bread.

When we were in a position to buy something from the inmates' canteen once a month. This was small loaves of bread which smelled like bread, but after eating it one had a special symptoms.

There were the customary routines. Certainly in the year of 1941, after the air attack, the camp administration sent packages to the inmates or allowed packages to get through to the inmates, but with no exception all these packages got stopped. The packages entered the camp and all inmates had to sign for them, that is also true in my case too. They had to sign that they received the packages, but the packages went to the SS barracks and they were sorted out there by the inmates. All the junk was put together, everything was sorted out according to its type and it was safe guarded there. It went from there, we don't know. Here is an indication of the amount of material we got, at that time we lost 100, 200 or even seven kilos of weight. We had to do all the work, which was all of the administrative work, the lock-up and to do their work, but they did not have sufficient equipment to carry it out. Certainly after those four weeks, we again received packages. This I can quote

as an example; namely the caloric value of those official rations was completely insufficient.

Q. During the year of 1944, what was your observation of the general living conditions of the inmates at Buchenwald; I do not mean now those who may have had favored conditions, but the general prisoner who had no particular professional or specialized task to perform?

A. What I have now described merely concerned the year of 1944 and the year of 1945. I think we had 20,000 Russians, members of a nation who could eat everything and who had no power of resistance than the middle or western Europeans.

Lice began, after what I have already described, certain typhus; namely swelling of the legs, which was increased by swollen glands. I could see there that people lost an enormous amount of weight, however, one could not see the first symptoms, namely, diarrhea. That only happened in the year 1945. Terrible housing conditions came about in addition to the difficulties of nourishment toward the end of the winter of 1944 to 1945 and a large number of inmates were only housed in tents, tents which were merely improvised in blocks. Five people were sleeping on two beds. The food supplies there were not sufficient for that amount of people, nor were hygienic facilities sufficient.

I proceeded to take measures against lice in our camp to save ourselves from a mass typhus infection. For that we were mainly in order to control the lice, we needed a few guards. I think even a thousand inmates, who did nothing but sit down if the inmates during meals and inspect them to see if they had any lice or not. This measure was taken only by the inmates, the SS and Dr. Schillowsky did object to our using these inmates for this lice control

was, but he did not help us either.

Q. Now can you say to the sanitary conditions at the camp; what facilities, what toilet facilities, what steel facilities, what laboratory facilities were available to you? Do you understand the general import and scope of my question?

A. Generally. Up to the year of 1944 the laboratories were sufficient, washing facilities were adequate too, there was a bath which was quite adequate so that every inmate was in a position to bathe once a week and some inmates could even do this twice a week. There was a shower in the camp Buchenwald which was well equipped and there was an irrigation institution which only had one fault, namely, that the bones from the corpses from the crematoriums were put there so that in the year of 1944 this irrigation institution was stopped or because of the bones of the corpses. But, up to the year of 1944 modern day toilet sanitary institutions were adequate, including the delousing. After the year of 1944 it failed to an increasing extent.

Q. In the year of 1945 you could detect, especially in the little camp where there were several 1000 inmates, you could detect no longer any sanitary institutions. They were not at all adequate. In addition to this, on the lack of water was a factor. Before the air attacks the camp had a large reservoir to use. After the air attacks, whatever water facilities there were were damaged and afterwards there resulted a terrific deficiency in the sanitary institutions of the camp.

Part I

Q. You made some statement to the effect that this latter facility - that which you talked - did not function well after a certain period in 1944, because it became clogged up with corpses that went into the crematorium. Was it bones from the corpses?

A. Bones of corpses.

Q. You mean after the bodies had been burned and the bones removed?

A. The crematorium toward the end failed. It had been told that the crematorium could not destroy the amount of corpses as a crematorium small. Therefore, not only people's bodies but also parts of big things which were not burned, which in fact mostly serviced the crematorium. The SS did that and did not participate. They did not know what to do with these bones, and they put them into the incineration system and into the canal system. In the territory prior to 1944 there was a large amount of water, and when I was in the position, I repeatedly went to Schindler's camp to look at his work. The second chief of staff of the camp, Dr. Schindler, tried to do everything to know his things in the camp to help him work. He showed us how the things were done, and he showed us how the things were done through the canal system. He showed us the ponds. Dr. Schindler's remark was that there was no coal. He said that these things were not like people. If these people, who were in the camp, could be done, then they could recognize the corpses when they were found, and he indicated that the method to be used, namely, everything was covered. Only when the situation was such that there were too many bodies, permission was given to bury them. At first they were put into the canal system, and they were found by the American authorities a few months later.

Q. When the camp was run out of the crematorium, the corpses of the people who died from exposure to Buchenwald?

A. There was no directive that ever arrived in the camp that they should be buried.

Q. You mean the camp was run out of the crematorium, the corpses of the people who died from exposure to Buchenwald?

Qurt I

A. The card index system of all inmates, is carried on by the inmates themselves. There were offices of the hospital and offices of the camp administration, where all the inmates were registered by the inmates themselves. All inmates were registered there who were either admitted, released or who were transferred or who died. Naturally in the hospital we were never clear of the cause of death. Every patient who died in the hospital was given a case history which was compiled by a clerk who of ten did not even see the patient. He wrote down precisely what injections and what drugs that patient had received. Whether the diagnosis was just a case of influenza or an accident was of no interest at all, but everything was done very meticulously, and the case history was written down very exactly. We certainly never had any evidence as to what cause led to the death. We only knew that they had died.

Q. I believe you stated this once before, but will you please be so kind as to state again what was Dr. Hovén's official position at the camp Buchenwald?

A. Dr. Hovén when I entered the camp was the Deputy of the first physician of the camp.

Q. Was that the first physician of the camp?

A. That was Dr. Hovén afterwards. Allegedly the first camp physician fell ill with typhus, was treated somewhere outside Buchenwald, and then Dr. Hovén took over his position.

Q. When Dr. Hovén became the first camp physician, is that correct?

A. Yes.

Q. During the period of time you were there, what factors and other matters were under Hovén's control?

A. He was an SS?

Q. Yes, I was regular SS at that time. After German official physicians and surgeons or researchers, and taking into account a certain number of inmates themselves?

PAGE 1

A Dr. Hoven was the camp physician.

Q I understand he was the camp physician until the liberation. Thank you.

A Not until the liberation - until he was arrested. Dr. Hoven was arrested in March 1943. Up to that time he was the first camp physician. Then there was another position there called "Standart physician". I cannot tell you to what extent the camp physician was subordinate to the Standart Physician. For sometimes SS physicians of the SS divisions were there who had their own physicians. I don't know what the relationship was between one SS physician to another. There were two or three physicians in the entire camp, that is, two to three SS physicians, but no more than that.

Q Then I understand that after Dr. Hoven's arrest he finally came back to Buchenwald in some position or other?

A Yes, he didn't come in the capacity of a camp physician. He merely entered the camp as a visitor. That was shortly before its liberation. I think it was three or four weeks before it was liberated. He only entered the camp as a physician at that time. Schidimsky was the first camp physician, and there were two or three subaltern SS physicians in the camp with him.

Q Then is it your testimony that after his arrest Dr. Hoven had no official position in Buchenwald so far as you know?

A After his arrest, that is, the beginning of September, 1943, Dr. Hoven was imprisoned in the prison of Weimar, and as far as I know he had no official mission any longer in the camp of Buchenwald.

Q Let us divide the period of your stay at Buchenwald into two periods, the period prior to the time that Dr.

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Heven left there, and the period subsequent to the time that he left there, and I understand he left there approximately September 1, 1943. Prior to September 1st, 1943, whom did you understand was in charge, general charge of health, and sanitation at Buchenwald?

A The Health and medical services were directed by an office in Berlin and a certain staff officer, a doctor, was put in charge, his name was Lolling or Leolling.

Q Who was the doctor actually at the camp who was in charge of general health and sanitation? Was it Dr. Heven?

A Yes.

Q In other words, as the chief physician at Buchenwald, I assume that he would be the responsible officer in charge generally of the health of the prisoners, the sanitary conditions under which they lived, the general conditions of the food and its preparation, so far as the food was furnished to him, charged with the responsibility of keeping some record or official check of those inmates who came to the hospital for treatment, charged with some general over-all responsibility of keeping some statistics concerning the death rate of inmates and the cause of death, is that not true?

THE PRESIDENT: The Tribunal will now be in recess until one-thirty o'clock.

(The Court adjourned for the noon recess)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 1 April 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

DR. VITESLAV HORN (Resumed)

EXAMINATION (Continued)

BY THE TRIBUNAL (JUDGE SIRRING):

Q. Doctor, do you know of specific instances of punishment that were meted out to concentration camp inmates at Buchenwald while you were there, and if so, what were their nature?

A. You are referring to punishments meted out by the SS on the inmates?

Q. Yes.

A. In the period until this process was stopped, most of the penalties were as follows. The smallest penalty was that the prisoner was condemned to so and so many strokes. These prisoners had to come to the hospital where they were examined and then when this penalty was executed an SS doctor was always present. When prisoners were called to the gate, and some of them did not come back. It was said that many prisoners that were called to the gate did not come back and that a court had ordered that they be hanged. This took place particularly in the period when these beatings took place. Almost every day there were executions or hangings of prisoners. That happened mostly in the afternoons. Otherwise we knew of no other forms of punishment nor did we see any.

Q. Did you witness or know of any such occurrences at Buchenwald prior to September 1, 1943?

A. Toward the end of 1943 or 1944 these beatings were a normal form of events, and I myself in the later so-called movie room saw how a table was brought in. The prisoner was laid on this table and beaten. Prisoners from my immediate neighborhood were also beaten. I once saw how a man was beaten on this table. I never saw any hangings. But in 1944 I saw the gallows which were near the crematorium.

Q. Can you recollect whether any such punishments were inflicted during the period of time that Dr. Hoven was the official camp physician?

A. Precisely at the time when Dr. Hoven was camp physician these beatings were the order of the day, but they were always done on the orders of the High Rapport Leader. The beatings of which I spoke yesterday, namely, twenty-four strokes, had to be approved by Berlin, and for a week the SS carried out such punishments without permission. So, on the other hand, if you were going to administer a penalty of more than twenty-four strokes, you had to have permission, but if less, then you did not have to have permission. This had nothing to do with the camp physician but was the camp management. It was the camp management that ordered such punishment.

Q. Was it necessary for an authorization to be given by a SS physician who first had inspected the man's physical condition before severe punishment of that sort could be administered?

A. The men were brought to the hospital, in the office, and the physician's office where they were examined. This formality was observed for quite awhile before prisoners were officially beaten. There were also other official beatings, and this procedure with the table on which beatings were carried out had to have a physician's approval before it could be done.

Q. Approval by whom?

A. The SS doctor who was present in the office of the hospital ---

Q. Did you do that too?

A. (Continuing) It also happened with the medical non-commissioned officers who examined these persons, but mostly it was the physician who examined them, and that a physician was also present at the punishment, and, as I said yesterday, as in the case of Falleri from Brown, Dr. Hoven prohibited punishment for reasons of health.

Q. Did you tell us about Block 46; what was Block 46?

A. In the period when Dr. Hoven was there, I never entered that block. Only later did I enter Block 46. There were prisoners there who at first were well fed. They were examined. Their forces were made. Their blood pressure was taken. Everything was examined about them. It could be seen that the prisoners were walking around, and were playing games of one sort and another, and so on. Then I once saw how prisoners were then treated of typhus. And then Dr. Ding called me to Block 46. I was to perform an operation on the kidney. There is a covering to the kidney which was to be cut

may. Why? It is well known that the kidney when not functioning properly, can be restored to its function, if it is so opened. There was a time in the history of surgery where this procedure was carried out only in extreme cases, and I believe that this method of treatment has not been used for the last ten or fifteen years in the larger surgical institutes, because it was not successful as had been hoped, but since there was a misunderstanding in Block 46, those with typhus had high fever, and the kidney, as an organ affected by typhus, was attacked, and Dr. Ding wanted to restore the working condition of those persons' kidneys. I even said that it was correct in some cases, or rather until some years ago it was correct to perform this operation, but in the case of a man with typhus who has a very low blood pressure, and with a high fever, this operation could not be performed, because the man would die under the knife. Dr. Ding showed me literature on several of these kidney operations, but even on the grounds of this literature he showed me, I could prove conclusively that in any case of typhus the operation under these circumstances should not be carried out. After showing that I was right about that, Dr. Ding no longer discussed such operations with me again. From the First World War there had been cases of typhus, and I knew of cases here where they were most certainly sick with typhus. You could see this also from the temperature chart, and the blood reaction itself are characteristic of the typhus, as set forth in this chart.

Q. I understand you to say that you did not actually enter Block 46 until after Dr. Hoven had left Buchenwald?

A. Yes, of that I am sure.

Q. Prior to the time that Dr. Hoven left Buchenwald, that is to say, prior to September 1, 1943, did you have any under-

standing which you had gained either by actual observation, or actual knowledge, or the reputation that Block 46 had gained, as to the nature of the things that went on there?

A. It was generally known in the camp that in Block 46 experiments were being carried out on prisoners, and as I said yesterday I discussed that question about Block 46 only once with Dr. Haven, and was told by him that in Block 46 Dr. Ping was doing some work for Dr. Brugowsky.

Q. Did you understand whether or not there was any official collaboration of any kind between Dr. Ping and Dr. Haven at that time?

A. I was never present there, but I can test my observation in this form, Dr. Haven was greatly interested in the medical administration, and also in the relations between the prisoners. The Hospital was a large one, and consequently the first camp physicians like Dr. Haven who is the medical director of the Hospital, it is understandable he should concern himself with these administrative matters. Dr. Haven never stopped the doing of medical work, and he would attempt to learn something surgically, but he did not have the time for that. It was characteristic that we prisoners were forbidden to treat members of the SS. At that time, however, was a reputation that was not observed. The second staff officer, Sturmbannfuhrer Barnowald fell sick. He was a member of the camp management. He had erysipelas. It was interesting that at that time that the clinic in Jena said they could not accommodate Sturmbannfuhrer Barnowald, because, I believe, that even a German civilian clinic had to have special permission to treat a member of the SS. Then I was called once to the clinic in Jena, that I should tell him how serious his condition was. I fought it out, that Sturmbannfuhrer Barnowald was over fifty years old, that I had taken X-ray pictures of

him, and had ascertained that his heart was in a rather poor condition. I openly told the commander that I believe that Sturmabfuhrer Bennwald did a little more drinking than was good for himself, and this heart condition and possibly liver condition could suffice for a disease like erysipelas to be fatal. The commander of the camp asked me, "Is equipment and medicine in the camp sufficient for the handling of Sturmabfuhrer Bennwald, the only way that he would be treated in a clinic?" He said that he was to be sent to an SS hospital in Thuringia, Germany, but that this SS hospital was a very poor one. Consequently, he would take the responsibility himself, if Dr. Haven would undertake the treatment, and that he would use the Prisoner Physicians in addition. I told the commander, frankly, that there was a considerable danger and risk. After two hours I was fetched by Dr. Haven, and we went to see this Sturmabfuhrer. He used the medicines we had in the camp; this was during the first half of 1942. Treatment was with injections. He prepared everything for Dr. Haven to give the injection. Even in this case Dr. Haven held himself back, and what was there unpleasant to me I had to give the injections at first in his presence, and then I got on alone. From this it can be seen that Dr. Haven except for technical measures, did not concern himself with this.

Q. What did you understand room 11 was, Dr. Horn?

A. As I said, room 11 was in those barracks which we were not allowed to enter, we three doctors signed a statement that we would not enter those barracks; there was the room 11, and, as I have heard, and what was the general opinion in the camp, was that prisoners were there on orders. The prisoners, as I say, were to be done away with there. That was the general opinion in the camp.

Q. Was there any other opinion in the camp as to what prisoners or what kind of prisoners, or what class of prisoners, were to be eliminated in room 11?

A. Dr. Hoven divided the prisoners into the so-called decent prisoners and, on the other hand, the others. This subdivision corresponded with the opinion of the old political prisoners in the camp, so that I had the impression that Dr. Hoven subdivided the prisoners in accordance with the opinion of the old political prisoners in the camp. I myself a few times had to tell Hoven that if you wanted to be operated on, then he would say, what sort of man is that? and it was sufficient for me to say, he is a decent prisoner, and in that case he was taken into the hospital and operated on.

Q. If it should happen that he was not in that class but one of those in whom Dr. Hoven had confidence was classified as a decent prisoner, what, then, would you say of that man? Suppose, for example, you had told Dr. Hoven, this is not a decent man, but he is one of the medical makers. What would be the outcome of that case?

A. I was not in such a position that I was obliged to say that a person was not decent. These, as far as I was concerned, were sick people,

and I as physician never made that subdivision. I emphasized that - that I belonged to the legal management of the camp. I did not belong to that illegal management but was a doctor, and other criteria were made to be and in this division between decent and non-decent.

Q. But let us assume that there would be people in the illegal camp administration who did not have the upright, ethical aspect and concept of the situation that you had, and who would not hesitate to brand one of these prisoners as being indecent, let us say; and that one of these prisoners became ill with, and was so classified by a member of the illegal camp administration as being a trouble maker, or as being an indecent sort of fellow. What would be the outcome of that man, and his treatment, as far as Dr. Brown, and the hospital, and the medical facilities, at the camps were concerned.

A. Mostly, the prisoners carried out the business of taking prisoners into the hospital, and it happened that a non-decent prisoner was not taken into the hospital. Of course, each a thing was not present for prisoners, and those prisoners from the illegal camp management called not decent, as I said yesterday, I was against this illegal management; but they said to me again and again, what can we do with these people, we can't turn them over to the SS; consequently, it sometimes happened that sometimes the members of the illegal management killed such a man. I can remember a case of a man who was a black leader, and the political prisoners went to an excess of a crime. In other words, the fate of the so-called indecent prisoners was the same - better when their race was,

and even if they were political prisoners their fate was certainly unfortunate. They went on the worst transports.

Q. I have one more question, please. There were two separate witnesses who took the witness stand, and one testified to one incident, and one to another, which I shall combine for the purposes of the question which I am now about to put to you.

One of these witnesses said that he visited one of the concentration camps - I can't recollect the name of it at this time - and that the inmates there seemed to be well taken care of, that the sanitation facilities, the housing facilities, the living conditions, were good; and that he saw some of the inmates there walking down the camp streets carrying harmonicas and singing songs. And the other one said that in the concentration camp he inspected he found that for the inmates who had to go to hospitals for treatment there was champagne and coffee for them.

Did you have any champagne and coffee for inmates in Buchenwald, and was it the general thing for them to come marching down the street playing the harmonica and singing their songs?

A. I certainly didn't have any champagne, but such visits or inspections of the camps took place very often - visitors who were brought there by the Wehrmacht and were led through the camp - and I must confess that many visitors did not see the camp in its worst aspects. They walked down the camp street at a time when the worst work commands were outside the camp; and on the camp streets during a period of inspection you saw prisoners who had administrative functions of one sort or another; in other words, the prisoners who were best off. They then came to the hospital, and then they went to the kitchen, and then they went to a

special block, and all of this was, of course, prearranged, and could consequently not have made a poor impression. That the prisoners played their mouth organs - that must have been after hours, after work hours. That could have been true, yes; but in the case of this testimony that you just quoted that those were not inmates of the camp, and it cannot be claimed that that was anything like a normal state of affairs. The visitors and Wehrmacht officers who came there were not allowed to speak to us, but in their inspection, if there were fifty visitors, they were accompanied by the camp management and the SS, but a few of them did succeed in asking a few questions on the side, and they found that this was a normal street in the camp, or was it that these were normal conditions and, of course, none of us gave an answer that would have tipped them off. That is quite understandable. In 1939 a large group of journalists came to the Fort prison of Spielberg - the most horrible, terrible Gestapo prison in Czechoslovakia - and you can still read today what good conditions prevailed in that prison because they didn't see the worst that was to be seen there. Thus, these visits and the opinions expressed by them who did the visiting are of no value, and anybody who was drinking champagne was certainly not a prisoner. That they were playing mouth organs, that could be possible.

a. How difficult would it have been for a high ranking officer, media officer or otherwise, of the Wehrmacht, or the Government, to have come to Buchenwald and to have actually discovered the true conditions prevailing there?

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A. Neither the Wehrmacht nor any SS officer of the troops, or even SS Buchenwald officer who did not actually belong to the camp, could have found that out at all. Any visitor had to report to the commander, and someone was appointed to accompany him. It is quite possible, or rather, it was quite impossible for anyone, even an SS member, to enter the camp without the permission of the camp commander, or to move around freely within the camp. In my experience which lasted six years, I think that is comparatively out of the question.

1 Apr 47-A - 16-1 - LJC - Karrow - (Int. Brown)

BY THE PRESIDENT:

Q. Witness, a good deal of reference has been made to Room 11. What was the physical nature of that room? Was it a ward room or an operating room?

A. I assume that it was a ward room. It was certainly not an operating room. Later, the room was rebuilt into a dining room for the nurses. The equipment there would seem to indicate that it was a normal ward room.

Q. Have you any idea as to what was done to the camp inmates who were taken to Room 11?

A. The American liberators, the military authorities, concerned themselves greatly with this question. This Room 11 was one of their major problems, and to get right to the point we fetched bearers of corpses who went to this room, but this room was used as a dining room for nurses from 1943 on and, in the meantime, the bearers of corpses who were the only ones who had entered the room, had disappeared on transports, so we had very little to tell and we wanted to be helpful to the American authorities but we could not ascertain, despite the fact that the American authorities asked almost every old prisoner about this matter and heard: "Yes, room 11 was a death room." However, the method, the methods that were used there could not be ascertained and I was very anxious to help in this matter myself. I believe even a representative of the American War Department was there and I really wanted to help out in this affair. We did everything we could to investigate this matter and tried to find some one - not some one who had heard about it but some one who had actually been there - who had carried bears from the room. Unfortunately, the people had disappeared. We wanted to find physicians who had been there, but when the basic question was asked: "were you there or not?" the answer was in the negative. Polish stretcher bearers who had done service in Room 11 could not be found now after the liberation. Many had disappeared on transports and names were

1 Apr 47-A - 16-2 - LJB - Karrow (Int. Brown)

written down and we tried to look them up. We even applied to the Russian authorities, a representative of whom came to Buchenwald and the American Security Office looked into this matter, and since these were Poles from Eastern Galicia; namely, the area occupied by Russia, we spoke with them, as I say, and our delegate who was in Warsaw as a delegate to a congress of freed prisoners also could not find any of these Polish stretcher bearers who had been used in Room 11.

Q. What was the general reputation and report concerning this Room 11 before it was converted to a nurses' dining room?

A. The reputation was of the worst.

Q. Just what do you mean by that?

A. It was a death room.

Q. How long did it bear that reputation, if you know?

A. What one experiences there one wants to forget quickly and when the room was remodeled as a dining room, even as early as 1944, there was no further talk about its previous reputation and prisoners who got there in 1944 and 1945 perhaps had not even heard about this reputation that Room 11 had.

Q. Do you know of any persons who were eliminated in Room 11 as the result of any action taken by any physician - any camp physician?

A. I can name no one. I was once told about a homosexual German writer whom I did not know personally, but I really can name no one.

Q. By whose order would any people be taken to Room 11?

A. The specific order - I have already answered that indirectly in my classification of the SS. It is certain that people were killed in the camp and I am convinced that those measures which might be considered under the euthanasia - I am sure that those were orders by the highest SS authorities and Gestapo authorities. However who actually chose the prisoners - I believe that that actually took place in Buchenwald, but who did it, that I do not know; and when I heard that in other camps the SS doctors paid a visit once a week -

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for instance, in Mauthausen, Auschwitz and other camps - where the policy was that very ill prisoners were particularly selected for extermination - then I must say that in this period in Buchenwald - that is, from December, 1941, on, that such an action as this, that an SS doctor went through the hospital and picked out those to be exterminated, that did not happen in Buchenwald. Even if I didn't visit the rooms myself, I would have heard of such a thing had it happened and I can say that they were not selected in that manner at that time. Now, before that period, there was a doctor by the name of, I believe, Kieule, of whom it was said - this took place before the period when Hoven was there - and it was said that he did select the prisoners who were to be exterminated.

Q. Was he a doctor?

A. Yes, he was a camp doctor and I believe he was the chief camp physician.

Q. Who administered the lethal doses or whatever was given to cause deaths in Room 11? Were they administered by a physician?

A. Let us assume that during this period - now, please remember this is an assumption ... let us assume that Dr. Hoven did that. Now, who did away with those prisoners after Dr. Hoven left? For instance, that Polish Consul whom I frequently mentioned here. At that time Dr. Hoven had already left. At that time Dr. Schiedlowsky most assuredly did not do it. I stated that up this morning that the people who did this are unknown. There were other SS doctors there - other medical officers there, but if you please

Q. (Interrupting) I understand that you said you had no information as to what particular person administered the lethal measures - whatever they were - but do you consider that they must have been administered by a doctor?

A. I can't even say that. It was unclear to us in the camp just how this took place. There were, of course, rumors throughout the camp.

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Q. What were the rumors?

A. Well, the rumors that the people were killed or the prisoners also told various stories. They always assumed that Block 50 was perhaps not there simply for purposes of vaccine production and that it was used for other purposes. A large team worked there. It is possible that some of the prisoners had chemical experiments carried out on them but, in general, these were fantasy stories, and regarding Room 11 there were tales also, as I have said. Some people accused Dr. Hoven but, as I said, who actually carried out the killings in this period when I myself was in the dissection room, and this was a time when Dr. Hoven was not in the camp, and Dr. Schiedlovsky, as chief physician, certainly did not do it.

Q. What were the other purposes for which it was reported that Block 50 was used besides the production of vaccines?

A. The only other matter that can be taken seriously was the matter of putting a corrosive on the skin, but I don't know what to think about this whole business because small wounds were unimportant and large wounds we would have known about. That was about all that was heard about Block 50, but I would like to say that we regularly visited Block 50 because the main library was there and we doctors sat in the evenings and discussed matters and heard lectures. There were Dr. Hoven's rooms. All physicians could, from all nations, enter Block 50 and I never heard from the doctors that they had heard anything different from the fact of this vaccine production except this one thing I mentioned.

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Q. If euthanasia, or any similar process was employed in Room 11, who would have selected the subjects for that euthanasia -- a physician or someone else?

A. That I do not know, as I have already said. How were the persons chosen? Well, the Political Gestapo Department had a good deal to do with this, certainly. There can be no doubt of that; anyone who knows the situation in the camp must be convinced of that. Whether the political department of the SS and the physicians were used for euthanasia, or whether also the illegal department chose some of the innocent prisoners, that I cannot tell you.

Q. The use of the word euthanasia pre-supposes a physical condition which is very low, does it not?

A. A person whom one should help by putting an end to his sufferings. Let us say that a man is very weak; then an ordinary injection of morphine would be enough to kill him. But I never concerned myself with euthanasia.

Q. In understanding your position on that subject, Doctor, as it or as it not a common report or rumor or matter of talk around the camp that Room 11 was used for the purpose of elimination, regardless of whether the subject might be considered sick and unable to recover health and therefore be subject within the meaning of the term euthanasia?

A. Yes, there was talk of that, but to me persons were taken away with many reasons together and each of them. I do not know prisoners who were ill, or at least that time, prisoners were designated as not being suitable because they were sick and were taken away with the term euthanasia, but as far as I can tell. In the interests of justice, as really much to call upon to be more precise but I am sorry to say that I cannot do so.

Q. In your testimony this morning you referred to the fact furnished to the court in the exhibit of the daily illnesses. Could you estimate, Doctor, the relative content of a day's illnesses of prisoners over the year 1942?

A. I directly described that but I may point out to you that the amount

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of the calories itself is not an essential point in this connection. Just take the example of two people who weigh the same, who have the same blood pressure, who have the same physical composition and who are doing the same work. One of them may die within the space of a few weeks, getting 2,000 calories, which are normal, because there is something wrong inside himself. That can lead us to say that in the years of 1942 or 1943 the amount of food received was more or less adequate. However, in the years of 1944 and 1945, and even part of 1943, that amount of food received was completely inadequate.

Q. I understand your testimony to that effect this morning, doctor, but I did not remember that you stated the caloric contents of a day's ration.

A. On the occasion of an inspection of the kitchen with Dr. Hoven, in passing the directives, we saw that 30 calories were allowed for each kilo of the weight of an inmate, which amounted to about 2100 calories. But that was only in theory. In reality we got much less. At that time we could still go to the ration amount to 1500 calories but that is merely a maximum. Later, especially in the years 1944 and 1945, hunger games began to start and then, I think, we got under 1000 calories per day.

THE COURT: I have no further questions. Has any Defendant any questions to propound to the witness concerning the examination after the examination-in-chief?

RE-DIRECT EXAMINATION

BY MR. G. LEE:

Q. Doctor, are established these and if not, are they given?

A. These directives are issued by Berlin. It was a power I directed by Berlin or Berlin.

Q. Who in the camp was responsible for the punishment?

A. Did the defendant Hoven take measures in order to improve the situation as far as he could, since that in itself did not belong within

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his jurisdiction?

A. It was very small, I think it was smaller of the SS doctors. I was in England, in France, and later in Switzerland, visiting many European countries, and I know that it was always the Administration that established the amount of rations to be given to the prisoners. The physician only exercises a control--a quantitative and qualitative control. That is how we got Dr. Heyden into the kitchen. Whether Dr. Heyden relieved it or not, I cannot say, but it was in connection with Dr. Heyden's inspection--by the way, Schindler never went into the kitchen--that the 5 cooks were sent to the concentration camp of Dachau where it was said that even the potatoes, that is this best-root, was prepared in a better manner, and the meat was prepared better. The cooks were back and forth that in the concentration camp of Dachau they saw that the vegetable ration which was used in the kitchen could be used in a better way and that a third of that ration was keeping back, utilizing it in a new position, and then adding it to the cooked vegetables and then adding it all up for a short time, which procedure allegedly improved the quality, that is to say, the vitamins. This procedure was carried out by order of Dr. Heyden. And naturally we could not judge the effect because we didn't lack vitamins; but the physicians in the camp were satisfied that at least a saving was done and at least a little benefit was given to the improvement of the food.

Q. Do you know that the Defendant Heyden got supplemental rations for all of the inmates--heavy workers and all?

A. Yes, he received such supplemental rations but I cannot say whether this was because of the order given by Dr. Heyden or whether this was done in connection with the change of the camp into a labor camp and that this was done in order to keep the inmates fit for work.

Q. During the cross-examination the hygienic conditions were discussed. I understand you to say, and please tell me whether I understood you correctly, that during the time of the Defendant Dr. Heyden, the sanitary conditions

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in the concentration camp of Buchenwald were satisfactory?

A. Yes, you understood me correctly.

Q. Furthermore, it is correct that the defendant Hoven increased the number of beds?

A. Yes. The 200 beds in the 2 barracks were put there on the basis of his request and by his order. Even the hospital in the so-called little camp could not be considered to have been a bad hospital, considering the beds that were there; but of course, after these huge numbers entered that camp in the years 1944 and 1945, they were no longer sufficient.

Q. This little camp does not interest me as that was started after Dr. Hoven's time.

A. The little camp was already built at the time of Dr. Hoven; the sties were there. I use the word "sties". I cannot imagine that this form of construction could ever be used for a hospital. It did not even have any windows. I cannot conceive that it was ever intended for human beings. I do not believe that Dr. Hoven asked for these sties to be built as a hospital but they were built in his time. Dr. Hoven only worried about the proper hospital and whether the little camp or hospital was built in Dr. Hoven's time or later does not make much difference since it was furnished under the best possible circumstances. There were provisions there for warm water and electric heating and I know this was done on the basis of Dr. Hoven's request. When this camp was first used as a branch camp, we still managed, but when later on enormous amounts of inmates were sent there, who all suffered with diarrhea, then of course the facilities were inadequate.

Q. Is it correct that the improvements in the field of medical care carried out by the defendant Hoven were done for the benefit of all inmates?

A. Yes, all inmates benefited by them.

Q. Is it furthermore correct that every patient or that every inmate who registered or reported sick was admitted into the hospital?

A. The admission into the hospital, and I am now speaking of Dr. Hoven's time, was carried out by nurses. In the case of the refusal to admit a patient, and I am speaking of the time when there were 15,000 people in the camp, the liaison man or the medical orderly concerned himself with the matter.

I told the medical orderly that all patients were to be admitted into the hospital irregardless of whether they were decent inmates or criminal inmates. I told them to do that because of the danger of infectious disease. I said it might only look like angina pectoris but it really may be an infectious disease which may endanger the entire camp.

of a throat angina can under circumstances mean a serious disease. All the inmates had to be examined. It was clear that I represented that point of view and I listened to every inmate's complaint. All inmates stopped me and asked my advice and now and again I found that the medical orderly, or the eldest in a block, did not so care for all inmates but that was only true of a very few cases.

Q. I now come to speak of the Jewish transport which was discussed during cross examination. I am speaking of the transport during which the Jew named Cohn was to be sent away. Who ordered this transport?

A. I already told you the entire organization was such that not even the camp administration could have ordered them. It must have come from the outside; I am sure it came from Berlin.

Q. Yes, may I repeat the following question in order to make everything quite clear ---

MR. BARRY: Your Honor, the subject of the Jewish transports was brought up in direct examination; the situation of the particular inmate named August Cohn was taken up then; I took it up later extensively in my examination and I don't see any reason for the continuation of examination about this Jewish transport here.

THE PRESIDENT: If the counsel is propounding the question which concerns any of the activities of the defendant Hoven in connection with Jewish transports, the question may be asked. Otherwise the question is objectionable.

BY MR. BARRY:

Q. Was the activity of the defendant Hoven, regarding that Jewish transport, only in preventing the transport of a part of these Jews?

A. The transport was ordered in such a manner that the normal channels were not used at all. People were included for the transport from the various details. They were taken from the hospital, and as I told before, the Jews who were to be transported away from the hospital were often hidden around some corner.

Q. And this was done by the defendant Hoven?

A. Well, you cannot imagine that the inmates could take such measures without the interference of Dr. Hoven. These matters could not be discussed, it was all kept very secret. It may be that he knew about it and I think he must have known about it.

Q. During your direct examination you were speaking about the SS attributes of the defendant Hoven. Were you speaking about his uniform?

A. I was speaking about his uniform, about his having to obey directives, about the fact that orders came from Berlin to the camp. I meant that Dr. Hoven had to obey all directives and orders.

Q. How about Dr. Hoven's conscience? What was his attitude in regard to his conscience? I mean his political conscience and I am not speaking about his activities, I am speaking about his political opinion.

A. I have spoken to Dr. Hoven on frequent occasions and he came to my room when we were discussing all sorts of matters. On one occasion a German political inmate was in the room who always left the room rather abruptly, the reason being that he said, "I am prepared to discuss all matters with Dr. Hoven but not politics." Then he made some utterance to the effect that the political education of Dr. Hoven had not left the form of an embryo or some such utterance, and if such political opinion was already born, then it is already an infant's political opinion. This was the opinion expressed by some political inmate who was a delegate in some Rhine territory.

Q. Is it correct that Dr. Hoven only permitted you to instruct him for a relatively short time in the technique of performing an operation?

A. What do you mean by that question?

Q. Technique on how to perform operations. I am asking you if he had that interest.

A. He had started with the elementary points of surgery. He started to assist but on a few occasions he was called away from the operation. Within the matter dropped more or less on its own accord.

Q. After he did not want you to instruct him any longer on the way of performing operations, did his attitude toward you change in any way?

A. No, no.

Q. Is it correct that the defendant Hoven was arrested by the Gestapo after September 1943 and for that reason he could no longer be active as an SS physician?

A. I was asked whether he still exercised a certain influence in the camp and I answered because I knew the administration that he no longer had justification to that. I cannot imagine for it to be any other way. How can a man who is imprisoned by the SS and is in prison exercise jurisdiction in the camp?

Q Then I am asking you is it correct that the defendant Hoven was an inmate of the Gestapo?

A Well, I will answer it in the following way. He was a prisoner in Weimar where inmates from the camp Buchenwald were used as construction workers and in various artisan fields. These prisoners informed us that Dr. Hoven was in the police prison there. Whether this was in effect a Gestapo prison or a SS prison, I can't tell you, but we knew he was in prison there.

Q Furthermore, the rumors were discussed which were circulated in the camp. You were in the camp for sometime, and could you, therefore, answer the following question: Are there any rumors or were there many false rumors circulating in such a camp, rumors that are not in accordance with the truth?

A Well, it is a matter of course, that wherever there are masses of prisoners, that a number of rumors must circulate, for instance, to the effect that the German inmates would be released on the occasion of Hitler's birthday and things of that nature. On the other hand, there are other rumors, rumors which have something to do with mass psychology.

Q You further mentioned that you had to sign a chit saying that you were not allowed to enter the room No. 11, do you know who presented this piece of paper to you?

A In order to clarify that matter, we had to sign a piece of paper that we were not allowed to enter the barracks 11A, and in this barracks 11A there was a room 11. Again we signed a piece of paper that we were not allowed to enter this barracks. This piece of paper was typewritten and was given to me by Capo Busse. Three physicians were mentioned in this piece of paper, Waterschek, Seila and I.

Q. GALLIK: Thank you. I have no further questions.

Q. THE PRESIDENT: Are there any other questions of this witness on behalf of the defense counsel concerning the recent examination?

Has the Prosecution any further cross examination in connection with the examination subsequent to termination?

Mr. HARDY: I have no further questions.

THE PRESIDENT: The witness will be excused from the stand.

The defendant, Mrugowsky may resume the witness stand.

The witness is reminded he is still under oath.

Are there any questions to be propounded to this witness by any of defined counsel?

Dr. NELTE: (Counsel for the defendant Handler)

BY DR. NELTE:

Q. Professor Mrugowsky in an affidavit which you made for the defendant Handler, which is document HA 17, and exhibit Handler No. 5, you stated the following:

"Fundamentally and generally the medical service of the Waffen SS was not subordinate to the Chief of the Wehrmacht Medical Service. There was only a limited supervision exercised by him which referred to the medical service of the frontal troops of the Waffen SS during their commitment with the Wehrmacht."

In the very same affidavit you state:

"No official connection to the Medical Research Institute of the Waffen SS and the SS generally did not exist. The institute subordinate to me for typhus and virus research at Buchenwald had nothing to do with the chief of the Wehrmacht Medical Service, or the Army Medical Inspectorate, and had no official connection to them. It was neither subordinate to them, nor was there a supervisory duty exercised by the Chief of the Wehrmacht Medical Service!"

Is that correct?

A. Yes, these statements are correct.

Now I should like to clarify whether the statement made in the affidavit also holds true of the Hygienic Institute of the Waffen SS which was under your charge?

A. Yes, it referred to all of the Institutes of the Waffen SS

which was subordinate to me.

Q. Although there was no supervision exercised by the Chief of the Wehrmacht Medical Service or the Army Medical Inspectorate, I assume that certain points of contact existed, considering the SS divisions which were committed at the front, is that correct, and what type of contacts were they?

A. This assumption is correct. The divisions and corps of the Waffen SS were parts of the armed forces committed to the front. The soldiers of the Waffen SS, therefore, had to be cared for in the hygienic and prophylactic field and had to come up to the requirements which affected the rest of the armed forces. They mainly referred to protective vaccination, to delousing measures; to certain measures of quarantine when returning from the front, et cetera. For these reasons it was always necessary that a representative of the medical service kept in touch with the operational head office of the Army Inspectorate.

Q. Is it correct if I say that we were concerned with questions of medical tactics and medical service?

A. Yes, only questions of that nature.

Q. In other words, these were points of contact which referred to a cooperation. There was no point of contact which went beyond that, which indicated a cooperation of the medical service with the other armed forces?

A. No, that was not the case.

Q. In the Ding diary which was mentioned here, the Heigl typhus vaccine is repeatedly mentioned, which originally was used by the CKW Institute at Krakow or Leszarg. I should like to clarify that in spite of the use of that Heigl vaccine in Block 46, this can not be explained by saying that there was a connection between Block 46 and the Institute at Krakow of the CKW, that there was no relationship as to the furnishing of the vaccine. I ask you to tell me whether there existed an official directive of the SS

which settled generally the delivery of vaccines?

.. Since 1936 or 1937 there was an order of the Medical Service of the Waffen SS, one of the first orders in that field, which became known to me, to the effect that the units of the Waffen SS did receive their medical requirements or drugs or vaccines only from the central medical depot of the Waffen SS which was in Berlin. A direct requisition from any firm or any other producer was prohibited. I also know on the basis of what the Chief of that medical depot told me, that repeatedly serious difficulties occurred with army physicians who, for some reason brought about by personal connections, ordered such medicaments directly from the firm which produced them, and that was prohibited.

Q Is it correct that the Weigl vaccine in the end of December 1941 was considered as the best and most approved typhus vaccine at that time?

.. In Germany we only had that vaccine available. The other products were still in their early stages and didn't go beyond the laboratory stage.

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I am here differentiating between official connections which do not exist.

A No, neither did he have any insight.

Q Did you ever have any discussions with Prof. Handloser?

A Yes, I think two discussions took place which referred to general measures concerning the rear areas of the Eastern territories. No research questions were discussed at that time. Nothing was said about any typhus series of experiments or anything like that.

Q Nor did you speak about the experiments that were conducted at Buchenwald?

A No, for the most part I had no knowledge of them. I therefore couldn't discuss them.

Q Now, you know that the prosecutor maintains that the experiments in the concentration camp of Buchenwald can be explained because of the instigation of the Wehrmacht. This was done on the occasion of a conference in which you allegedly participated and which is recorded in Ding's Diary in its first entry of the 29th of December 1941. I am asking you, is Prof. Handloser, in whatever capacity, mixed up in any way in the suggestions, intention, or execution of these experiments of Dr. Ding's in Buchenwald?

A I never heard the name of Prof. Handloser in that connection. It is highly improbable that he participated in this affair in any way, for I knew that Grawitz was anxiously safeguarding his own jurisdiction.

Q As you have already testified during direct examination, it is established that the order for the beginning and execution of these experiments emanated from Pinner through Grawitz?

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A. Yes.

Q. You know the entries in the Ding Diary of the 29th of December 1941?

A. Yes.

Q. As participants in this conference, Prof. Hendlöser, Dr. Conti, Prof. Reiter, Prof. Gildemeister, and you are mentioned. You know that it says there that it was decided to conduct experiments on human beings. In your direct examination, you discredited the question of the Ding Diary, its probative value; and I shall not revert to this again in detail. But I do want to ask you, is it correct if I conclude on the basis of this examination and your answers that the Ding Diary entry of the 29th of December 1941 must of necessity have been an invention by Dr. Ding?

A. On the basis of the documents submitted by the prosecution and on the basis of the document submitted by the defense counsel, we know about the real course of this conference. There weren't any more participants there than in the documents that I have available here. The conclusion is that neither my cremium had met, which Ding mentioned, nor that Ding himself participated. How he came to make that entry is beyond my imagination.

Q. The prosecution asserts that two conferences had taken place on that day, one in the Reich Ministry of the Interior, the final location of Bieber, and the other, where the people participated, in Ding's Diary was on the 29th of December, 1941. What I am asking you is, is it impossible that this actually took place?

A. I don't think it is probable that any second such conference took place, for the simple reason that from the material which Dr. Demnitz had it can be seen that on the 5th of January I was expected back from Kiev, from the

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Ukraine, to Berlin. This is a distance of more than 1,200 kilometers. In other words, it takes some time to get back by car, especially in the winter, considering the difficult situation. Therefore, it is highly improbable that I was in Berlin on the 29th of December 1941. I can say with absolute certainty that one week later I never in my life did participate in any conference of that nature. For that reason I do not believe that any second conference had taken place.

Q Now, with reference to the conference in the Reich Ministry of the Interior, where we have Bieber's file Exhibit 54 of the prosecution and also your documents, 63, 62, reports of Dr. Demnitz and Dr. Zahn, you know that it says in Bieber's file notation, "An experimental plan was discussed with Dr. Prigowsky." With whom did you discuss that experimental plan?

A This plan for experiments was discussed with Dr. Gildemeister, the head of the Robert Koch Institute, who at the same time was the typhus advisor in the Ministry of the Interior.

Q When this conference took place on the 29th of December, 1941, had this plan of experiments already been discussed, or had discussions of that plan already been concluded?

A Discussions had been concluded some time earlier because Demnitz already had given me the first five hundred portions of the typhus vaccines for that purpose on the 29th of December, 1941. Therefore, the experiments must have been discussed much earlier, about the end of November.

Q Was Prof. Handloser, a Medical Army Inspector -- at that time there was no Chief of the Wehrmacht Medical

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Service -- or in his capacity as the Army Medical Inspector, participating in this plan for the experiment in any way?

A No. Only two people were represented, both from the civilian sector. These were the administrative representatives for the Interior Reich Zone and representatives of the Germans who were to be sent to the occupied Eastern territories in order to execute administrative duties there. In other words, the Wehrmacht or the Army had nothing to do with that.

Q Did you discuss the plan for the experiments with Prof. Handloser, one of the representatives, or his agent?

A I don't remember.

Q How is it that you were not participating in this conference of the 29th of December 1941?

A According to the list of participants, it was only a conference between the Ministry of the Interior and the Industry. Since I neither belonged to the Ministry of the Interior nor was a member of the Industry, there was no reason for me to be invited.

Q Where was Ding on the 29th of December, 1941?

A Ding at that time belonged to my Institute. He had been detailed to Gildemeister a short time earlier, that is, to the Robert Koch Institute, in order to train himself in typhus questions; and I think that at that time he probably was on his Christmas vacation.

Q He was active in the Robert Koch Institute?

A Yes.

THE PRESIDENT: Counsel, how much longer will the interrogation of this witness continue?

MR. HANEY: I might say at this time that counsel has asked the defendant Mrugowsky if he attended the meeting of 29 December 1941, and Mrugowsky has said, no, and Mrugowsky has said Dr. Ding did not go to the meeting, and Handloser was not at the meeting because he did not know of the meeting. Now he asked him about the other meeting of Decnitz, and the defendant does not know anything about that. I don't know what further information he is looking for, and I don't see any further reason for him to labor on this point.

DR. HEDIG: I believe I need not to explain to the Tribunal why I want to know all of this. I am only contesting the assertions which were made in the course of the submission of evidence on the part of the cross-examination of the Prosecution. With regard to the typos conference on 29 December 1941, it is the most important question in the complex of Handloser's case, and I attach value to bringing proof on that, to bring proof on the assertion of the Prosecution to the effect that on 29 December 1941, that two conferences had taken place on that day, that is not only erroneous but can be explained by a forced certification carried out by Dr. Ding. In that connection my questions have to be a little broader than would perhaps be expedient in any other case. I shall need perhaps another quarter of an hour at the most to ask questions of this witness, Dr. Mrugowsky.

MR. HANEY: Your Honor, I submit that counsel's

contentions are right, that he is making an attempt to contest the fact of the two conferences. He asked the witness whether any other conference, and the witness said, no. Now he is attempting to argue with the witness, and he is attempting to examine the witness on that.

THE PRESIDENT: The Tribunal will now recess until 9:30 tomorrow morning, and at that time the Tribunal will settle the pertinency of any question propounded by counsel.

(The Tribunal recessed until 0930 hours, 2 April
1947)

Court I

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America, against Karl Brandt, et al,
Defendants, sitting at Nuremberg, Germany, on
2 April 1947, 0930, Justice Biddle presiding.

THE COURT: Persons in the court room will please find their seats.

THE COURT: The Judge of Military Tribunal I.

Military Tribunal I is now in session. Give the United States
of America and this Honorable Tribunal.

Court will be in order in the court room.

THE COURT: Mr. Marshal, will you ascertain that the defendants are
all present in court?

THE COURT: May it please your Honor, all the defendants are
present in the court.

THE COURT: The Secretary General I will note for the record the
presence of all defendants in court. General may proceed with the ex-
amination of the witness.

JOSEPH W. RUDOLPH - Counsel

EXAMINATION (Continued)

BY DR. BISHOP (Defense Counsel for Defendant Brandt):

Q. Witness, the last question I put to you yesterday was my ques-
tion as to Dr. Dieck was on the 29th of December, 1941. You answered that
he was in the Hygiene Institute, but simultaneously had been assign-
ed to the Robert Koch Institute for the purpose of his training there.
Is that correct?

A. Yes.

Q. I ask you to return to the 29th of December, 1941, have you any recollection
of Dr. Dieck's diary there is an entry of the 29th of December 1941 concern-
ing a conference in which Dr. Dieck was allegedly participating.
You recall Dr. Dieck's activity on his diary on the 29th of December, 1941,
of Dr. Dieck's knowledge of the conference on 29 Dec. 1941 in the
Reich Ministry of the Interior?

Count I

is interested, however, in your own interest. In that you did on your own initiative.

A. In order to find out what the value of vaccines was I intended to do them on a large scale to discover their value. This research had already been started in December and it became apparent from Dr. Demnitz' statement that it was on the 22nd of December, 1941 that is 8 days before the conference, I had received five hundred articles of vaccines.

Q. That as can see from Dr. Demnitz' report. Now, in Document 64, which was submitted to you, Dr. Zahn is speaking of a large scale experiment, whereas in Richter's report, an experimental plan is mentioned. Are we concerned there with the same thing?

A. They are different words meaning the same thing.

Q In Dr. Zahn's report on Page 104 which you submitted, which is Document Mrugowsky 64, it is stated Professor Gildensister maintains that 2700 portions of his vaccine had been used without any ill effects resulting. Professor Kuhns reported that in the months of October and November he used 3,000 portions of the vaccine of the Behring Works + without any failures having occurred. Do I understand you correctly if I say that this plan for the experiment, or this large-scale experiment was to be carried out with typhus vaccines which had already been tested out to some considerable extent and had been found to be effective?

A That is correct. It is true that the first experiments had already started by the producers. It becomes apparent from the various statements that German industry only since 1941, that is the year we are speaking about, concerned itself with the manufacture of vaccines of that nature. The typhus period starts in November and December and finds its peak in June. Therefore, up to December we couldn't have practically gathered any experiences regarding that vaccine because the period of epidemics was only just reaching the increased stage. One would have to wait before arriving at any conclusion.

Q Everyone who participated in that meeting in the Reichs' Ministry of the Interior on 29 December 1941 and heard what was being said must assume that one was concerned with a plan for epidemiological experiments on a large scale intended by you with vaccinations against typhus.

A Nothing else could have been mentioned. That is the customary channel used up to that point.

Q Was there any connection between your plan of experiment and the experiments as they were carried out later at Buchenwald?

A No, not at all. This plan was much older, at least four to six weeks older.

Q Is it true that this epidemiological experiment was carried out by you completely independent of the experiments at Buchenwald?

1. It was started independently and was carried out independently.

Q. You know that on the 5th of May, 1942, that is Document 10 Wengasky, a letter was sent to Dr. Conti and Dr. Grawitz and Dr. Gansken under the heading, "Testing of Vaccines." It was also sent to the Robert Koch Institute and the Army Typhus Research Institute at Krakow, as well as the Behring Works. You also sent this letter to Professor Eyer, who was an O. K. H. official at Krakow. Let me at first ask you, could the recipient of this letter gain the impression that he was here concerned of necessity with the result of the experimental plan which was discussed on the 29th of December, 1941?

A. It can only be seen from this letter that these vaccines, that were discussed, were actually tested. They were tested on a relatively small amount of persons, I think thirty or thirty-five people. No more could be derived from that letter. There can be no question of large-scale experiments with that vaccine, because thirty persons cannot be considered a large-scale experiment. There was no question of any artificial infections. Nor that was just the reason Grawitz ordered me to change Ding's original report. It could not be derived from that.

Q. I understand that. But you are speaking about experiments because of an epidemic?

A. There were innumerable epidemics at that time.

Q. At any rate Professor Eyer had to conclude, or rather not conclude that any experiments were being carried out at Buchenwald.

A. He couldn't conclude that in any way. The recipient could only come to the conclusion that the person mentioned in the report had merely compared a few vaccines with one another. He took notice of that and that probably was all.

Q. This letter dated the 5th of May, 1942, could give a third party the impression as if Professor Eyer were sending a vaccine, the said vaccine, for the purpose of its being tested. Is that the case?

A No, no, that was not the case. I already said yesterday there was a general directive to the effect that S. S. units and agencies could only be supplied by their own medical depot in the SS.

Q On the basis of the contents of this circular and the result of this test, could Professor Eyer receive a hint to report anything about that to the Army Medical Inspectorate?

A I cannot say that. Had I received any such letter I certainly couldn't have done anything. I would have merely acknowledged the letter and then filed it away.

Q Let us assume which was not done that Professor Eyer sent this letter to the Army Medical Inspectorate, and let us further assume that they submitted that letter to Professor Handloser. With reference to Handloser's knowledge of things in which he didn't participate, I want to ask you the following. Could he conclude from this circular as it is formulated that there was any possibility of any impermissible experiments on human beings?

A No, I already said that, that he couldn't do that, because that was the purpose of the circular.

Q Looking at your letter dated the 5th of May, 1942, and looking at the order of Dr. Brant, I am asking you was this form of report, this form of a camouflaged report, a result of the orders for secrecy that no reports were to reach the outside of what was going on in S. S. camps and concentration camps?

A Yes.

Q In Dr. Rudolf Brant's statement correct that there was a special order by Himmler according to which the physicians active in concentration camps were obliged to keep a strict secrecy towards every third party, even including S. S. physicians who were not active in the concentration camps?

A That did not only refer to the physicians, but to every member of the staff of concentration camps. This order already originates from

a time prior to the war. I may refer to Dr. Horn's testimony here yesterday who very clearly stated that even members of the S. S. and Waffen S. S. could not enter concentration camps. That was the reason. His testimony was correct.

Q. Do you know for what reason Professor Eyer and Dr. Schmidt went to Buchenwald on the 8th of February, 1943?

A. Yes, we were then concerned with the pending commitment of S. S. divisions in the German Africa Corps. Extensive preparations were made in the medical field. I already testified during my direct examination that the protective vaccines against yellow fever played a particular part there. This was technically somewhat difficult since the vaccine had to be kept in a very cooled state. That is naturally very difficult in a warm climate.

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A special transport vessel had been developed which was under low pressure. It was rather difficult to handle because it could easily be broken when not handled skillfully. In order to instruct the physicians to handle this container, Dr. Eyer was in Buchenwald, and Dr. Schmidt. Dr. Schmidt said that many physicians were there when he instructed in the use of that vessel.

Q Whom Prof. Eyer instructed

A Yes, Professor Eyer was instructing the physicians about that technique.

Q In other words, you are confirming what Dr. Bernhard Schmidt said on the witness stand?

A Yes, I think that is correct.

Q You remember that contingent of lice supposedly arrived at Buchenwald from Krakow or rather two contingents of lice which were later destroyed. In this connection I want to ask you only whether you know Dr. Hoss?

A Yes, I know Dr. Hoss.

Q Where did Dr. Hoss live? Where was he active, and what was the position he held?

A Dr. Hoss came from the Behring Works at Marburg. He was a junior lecturer on hygiene and bacteriology at Marburg, and later he became the head of a branch of the Behring Works at Marburg. This, of course, was private industry. It has nothing to do with the army. As far as I know, the army was producing vaccines in Marburg, too, at a laboratory of Professor Weigl. Those two vaccines, however, are not identical.

Q The submission of evidence has shown that Professor Weigl was attached from the ARMY MEDICAL DEPARTMENT to the Behring Works in order to train personnel there temporarily. We were here only concerned to find out whether these two

$$E_{\text{eff}}(z) = E_0(z) + E_1(z) + E_2(z) + \dots \quad (2.1)$$

Cont. to 1

is situated had nothing to do with one another. That is to say, whether the German People's Library had any official connection to the CNT Institute in La Haya.

As far as I know, there were two non-ret. institutions.

On the 21st of March, in Dr. Schmidt's report regarding the results of tests on yellow fever vaccine, I am asking you the following: Is it correct that you have sent these results and asked them to be sent to Dr. Schmidt?

I got results of these tests were received by me, but as far as I am aware, I transmitted them to our own medical board which was actually awarded the vaccine, and that included Dick. I don't remember having had any discussions or correspondence with Schmidt about or in connection of the smallpox inoculations.

DR. FELTZ: This before - to the end of my questions on behalf of the President, Professor, and I now ask the Tribunal to permit me to put two questions to the Defendant on behalf of Professor Elliot since I went to represent Dr. Mary King.

I am submitting to you the organization of the medical service of the Reich. There you find a direct relationship of subordination of Reichswehr-Dr. Grawitz, and you find his name, Dr. Karl Grawitz. Furthermore, I handed to you the decrees, which were issued by the Reich Commissioner for Health and Medical Service dated the 23rd of July.

It is not clear that the results of this study are generalizable to other populations or settings.

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1. On 10/10/60, the following NO-000, 1-11111 of the 1000-

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sention No. 5, and Document 891, Exhibit of the Prosecution 6, and Document NO-282, Exhibit of the Prosecution 7. Could you derive from the decree of 1942 that Dr. Grawitz and therewith according to your chart; the entire Medical Service of the SS was subordinated to Professor Karl Brandt? You find these questions of competence under paragraphs 5 and 6 of this decree, dated the year 1942.

A This decree of 1942 appoints the CHIEF OF THE ARMY Medical Services, for the Medical Services of the Army, Waffen-SS and organizations attached to the Army. This professional subordination is found at the entry in this chart. It would have been more correct if the line hadn't been drawn directly from Dr. Brandt to Dr. Grawitz but would have gone from Professor Handloser to Dr. Genshien only.

Q During the submission of evidence and according to your questions, it has become clear that this line from Professor Handloser to Genshien only refers to the subordination of the Waffen-SS divisions which were committed at the front.

A Yes, it says so here on the chart.

Q What I am asking you is whether there was a direct relationship of subordination Professor Brandt - Dr. Grawitz.

A I don't think such a clear relationship of subordination can be derived from these charts, but I should like to say in that connection that these charts were drawn up during the later period of my preliminary interrogations. These charts brought about a discussion with the interrogating officer, and we really arranged that the actual situation should be noted down on paper. In that connection I thought it was necessary to point out that Grawitz never would have received any order from Professor Brandt or Handloser never would have accepted any

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such order because he thought that he only had one chief which was Himmler. For some reason this fact was not noted down probably because this was, I think, my last in-terrogation, and there was not sufficient time to do that.

Q The second organization chart which you submitted is dated the 1st of September, 1943. Professor Karl Brandt's position was established by the decree of the 5th of September, 1943, which is mentioned by you and noted down on the first box. On the second chart you can see the direct relationship between Professor Karl Brandt and Grunitz as Reich Physician-SS. Did the decree of 5 September 1943, change anything in Professor Brandt's relationship to Grunitz?

A The decree shows that Professor Brandt would centrally deal with the tasks of the entire Medical and Hygienic Services and direct them. This affected the SS to the extent that our medical quartermaster had difficulties in getting medical equipment directly from industry. We also were tied to whatever the plenipotentiary directed as far as the supply was concerned. It is possible, however, that this was only an accidental effect because the order was directed to industry, in the first place, from which we, in turn, received our supplies. If the industry then gave us only a limited amount of medical equipment, that was a very important matter for us.

Q. Do you mean to say that neither after the decree of the 28th of July, 1942, nor after the decree of the 5th of September, 1943, there was any relationship of command between Prof. Karl Brandt as the superior and Dr. Grawitz as a subordinate? Rather, that with the decree of the 5th of September, 1943, Prof. Brandt had received a task which became necessary because of the emergency situation, according to which he had to steer, according to directives? On the basis of German military phraseology, this does not mean that he had to give any orders?

A. That is correct. If any line was drawn there, it would have to be a broken line - subordination in technical matters.

Q. Doesn't this lack of material restrict to the essentially medical affairs?

A. I don't know whether Prof. Brandt would have been justified in giving such directives to Grawitz directly. It was an indirect relationship which came as a result of this task he was given.

Q. When it says in that decree that Prof. Brandt has the task of steering according to directives, it means that on the basis of directives of Hitler he would have to take certain measures, for each particular case, that is he and no individual were to act on his own initiative; is that right?

A. Yes, that is absolutely correct.

DR. KELLS: Thank you. I have no further questions.

EXAMINATION

BY THE TRIEBNER (JUDGE BERLING):

Q. Prof. Aragowsky, in answer to questions propounded to

you by Dr. Kelte, did he make some comment concerning what is meant in the decrees of 28 July 1942, 5 September 1943, and 25 August 1944, being Prosecution Documents No-080, -081, and -082. Did you have any part in framing any of these decrees?

A. No, not in the least.

Q. Then from where do you derive your knowledge of the effect of these decrees, other than from the context of the decrees themselves?

A. I remember that I had reported conversations at that time with our medical quartermaster concerning various questions. There was a very close relationship between us; and we discussed various questions of an official nature. For that reason, I knew that as to the cause of difficulties in getting the necessary medical equipment at that time, to this organizational change by virtue of the Fuehrer order. That is what I meant when, it was an indirect effect.

Q. But you never did discuss the meaning of these decrees with Hitler, Keitel, Lammke, or Bertram?

A. No, I never spoke to any of these at any time.

JUDGE BARKING: Thank you.

THE PROSECUTOR: Are there any other questions to be propounded to this witness by any of the defense counsel?

MR. ALICE FAIR: Dr. Fritz, counsel for the defendant asks.

EXAMINATION

BY MR. ALICE FAIR:

Q. Professor, did Dr. Jang-Rammler ever tell you that he had

relations of any kind to Prof. Rose or whether he was in any correspondence with him?

A. No, he didn't do that. After the objection raised by Prof. Rose on the occasion of the meeting of the consulting physicians in the year of 1943, he used very strong terms in speaking about Prof. Rose.

Q. Didn't you tell us anything more about that?

A. He was very excited after Prof. Rose made his objection, something that he didn't expect. He repeatedly mentioned this incident for the next few days. I remember one thing in particular. He said "You probably are convinced yourself by now that I will no longer admit Prof. Rose into a concentration camp." I was never quite clear as to how he came to say that because every visitor to a concentration camp had to receive permission from a higher command, not from Dr. Ding. Today, however, I think that his view in this field was broader than I realized at the time.

Q. It can be seen from our answer that you were present during the meeting of consulting physicians in 1943?

A. Yes.

Q. When Dr. Ding-Schulze was giving his well-known lecture. Can you confirm that Dr. Ding in his answer to Prof. Rose's objection stated that the experimental subjects were certainly condemned to death?

A. According to my memory this is not the situation was. After Prof. Rose's objections, Dr. Ding stood up and stated, firstly, that there was no reason for any excitement since the experiments were carried out on criminals who had been condemned to death and

who had been furnished by Himmler for this particular purpose; secondly, that the entire affair was over and done with anyway. Then as far as I remember, Prof. Schreiber got up and confirmed what Ding had said, namely, that the experiments had ended, and that the legal questions had been decided by the highest police chief. Obviously he was only repeating what Ding had said. He couldn't have spoken of his own knowledge. He furthermore forbade that this conversation should be recorded in the record.

Q. Did Dr. Ding ever tell you or did you find out in any other way that the Bucharest vaccine tested in Buchenwald was furnished by Prof. Rose?

A. No, I didn't know anything about that.

Q. During your activity as the chief hygienist with the Reichsgesundheitsamt Dr. Grawitz, did you ever see reports by Dr. Rose? Did you ever see any files which were directed to Prof. Rose?

A. No, I never saw anything like that. I never heard the name of Prof. Rose mentioned by Grawitz.

Q. Now, another subject very briefly. If I understood you correctly, you stated during your direct examination that you had seen an intermediate report by Prof. Schilling concerning his malaria work at Dachau.

A. Yes, that is correct.

Q. Is what was this report directed and from whom did you receive it?

A. That was a handwritten report written on a very abnormal size of paper, half size. It was written by hand, in Schilling's own handwriting; and it was addressed to Reichsfuehrer-ss Himmler. It said

in its introduction: "Dear Reichsfuehrer: I should like to give you the first intermediate report on my experiments." Then a few pages followed where he spoke of his experiments and his results. There were about eight or ten such pages in that letter. It was written in large letters. I received this letter through Grawitz. He made the remark that he received that letter from Himmler. Himmler wanted his attitude about it. He asked me to voice my opinion about the contents of that letter.

Q. What did you do with that report, Professor?

Q. What did you do with that report, Professor?

A. I read it. This was the first time I had heard about Schilling's experiments, and I knew some of Professor Schilling's work from literature which concerned a similar subject, and I found out that the old problem was once more raised in this case, and that there was no positive result to be found in that report. I expressed that opinion; and I added, since one was obviously concerned with artificial infection on human beings, that Grawitz would stop any experiments of that nature.

Q. In that case you sent that report back to Grawitz?

A. Yes.

Q. I observed from your statement that this handwritten report by Dr. Schilling was not micrographed by Reichardt-SS, but typewritten?

A. Yes, no. I received the original.

Q. Is that all, I have no further questions.

BY MR. WINDO (Counsel for the Defendant Poppendick):

Q. Professor, could Poppendick give you any orders or directives on the basis of his position as Grawitz's staff, or could he, on his own initiative, do it with you?

A. No, Poppendick couldn't give me any orders. He was a department chief, just as I was; we were both coordinated within the organization and we had no independent right to issue any orders to me.

Q. How did Dr. Grawitz use for his correspondence before 1943?

A. He had a secretary, Miss Scharf. She was sitting in his station, and she was really Grawitz's right hand.

Q. Was there any change after the 1st of September 1943, — perhaps to the effect that Poppendick supervised the office activity?

A. One could hardly say that. There was only a change of secretaries because one secretary fell ill. I didn't observe that Poppendick exercised any influence on the secretarial activity. I am sure that is wrong.

Q. Moreover you reported to official conferences to Grawitz, did you deal with Grawitz personally, or were any other persons present?

A. Yes; generally, I was alone with Grawitz, and I know that this was Grawitz's habit in the case of other conferences. Only when any professional questions of any particular kind were discussed the competent man was asked to attend; for instance, concerning any field of vaccines or medical equipment where the man dealing with that question was always asked to attend.

Q. Where was Poppenlick active, as far as you know; what was his main activity?

A. His main activity was not in the staff of Grawitz, but as consulting physician at the General Settlement Clinic Office. This is a completely different agency which even locally was suggested from Grawitz's staff.

Q. How far apart were those two offices from one another, approximately?

A. I would say the classical situation there was very different, very hard to get from one point to another; I think it took about three-quarters of an hour by train; one had to make frequent changes.

Q. Well, let me pass on to another chapter. Did Poppenlick participate in the planning or leadership of typhus experiments in any way?

A. I never heard anything about that. It is highly improbable.

Q. Did you discuss typhus experiments with him at any time?

A. No, at no time.

Q. Do you know whether Dink was supposed to report to Poppenlick?

A. No.

Q. Would you remember the lecture given by Dink on the occasion of the meeting of the medical physicians in the year 1943; was Poppenlick present during that lecture?

A. No, he was not there.

Q. Now the participants in that to such an extent that you would

Have seen Pogonick and he been there?

1. There were about twenty-five to thirty gentlemen there, and one could overlook them very easily. Out of them I know personally.

2. I am going to hand over to you Dingo's work about Butanol and Loidin, with regard to typhus, which can be found on page 20 of the German Document No. 12. It is Document No. 582. I should like to point out a few passages in this report. On page 12 you find some mention about therapy experiments. If you look at the second page you will find a footnote which was struck out but is still legible, where it says, "There can be no statements in order to detail about this epidemic." This is Professor-Fleischer Doctor Fleischer, on the staff for typhus. Then there is a paragraph which starts on page 13, where it says that the epidemic which started in April 1943 was suppressed, the epidemic started to be continued; and furthermore I should like to point out to you that there is a sentence where it says in consequence of strict measures of isolation in the case of a number of diseases the way of infection could be found out.

3. As expert I want to ask you the following question: Whenever typhoid was an experience in typhus questions — must he come to the conclusion that he was here concerned with artificial infections? What is your opinion about that?

4. This is not my opinion. I should like to say the following in this connection. During the course of the trial the possibility was repeatedly mentioned that the incubation period, namely, the period of the appearance of the infection until the symptoms, had to be established as exactly as possible. It was also mentioned here frequently that transports or inmates were carried out, then they were sent from one camp to another. Furthermore, it was pointed out that in the Eastern district a number of German men went into a typhus camp to work there, who were vaccinated. These people were free of lice, and in that case the discovery of a louse on their body was an event which they

Q No, it is a scientific paper; it is a manuscript. It bears the letterhead of my institute because Grawitz wanted all young physicians to publish their work under the protection of scientific institutes. In many cases papers were published under the heading of my institute, which however I received from different people and this is one of the papers. My only participate was that I went through them and found out whether the paper was fit for publication. On that occasion an error was discovered. You read one paper where you mentioned Oberstarafuehrer Vetter which was then struck out. This line had to be struck out, because this man did not die of typhus but is still alive today. It was an error on Ding's part, such papers had to be submitted to the competent medical chief for approval before publication.

Q This paper was not sent to Poppendick directly?

A No, I am sure that that was not the case. I sent this paper to Grawitz eventually as the competent chief; that was after the reorganization of the medical service and this was certainly not sent to Poppendick. Grawitz must have agreed to that; whether Poppendick agreed or not was of little interest; the main leadership was Grawitz.

Q Thank you; I have no further questions.

BY MR. WHEELER, (Counsel for the Defendant Grawitz.):

Q I have very general questions. If I understood you correctly, during your direct examination you stated that Grawitz, because of an organizational difficulty, had only a professional right to give directives and no order to issue commands; your testimony limited itself to his official duties as to the SS formation, which was subordinated to him?

A Yes, one can only then speak of a professional right for him to issue directives.

Q What was Grawitz' military tasks concerning his close tasks, his close staff and the institute which was immediately subordinated to him?

A. He naturally was the disciplinary superior of his staff and of the institute, which was subordinated to him because he was a member of the Waffen SS; he was the military superior.

Q. Now two brief questions with reference to the sulfonamide experiments; on the basis of Graetz' line of issuing directives in the professional field could he issue any orders for any strains to be issued to your institute without the approval of Dr. Gensken?

A. The right to issue directives in professional matters enabled him to issue professional demands of every kind to every member of the medical service of the SS; one could mention a number of special cases.

Q. Did you inform Dr. Gensken about the delivery or the strange delivery to Ravensbruck?

A. No, that was not possible because I did not know about it.

Q. Another subject; among other things you were saying that one of your collaborators by the name of Dr. Hotten participated in the meeting with reference to the cold question in Nurnberg; was Dr. Gensken informed by you about the results of that meeting?

Q. I am quite sure that I did not inform Dr. Gonsky about that; I don't know if Dr. Gonsky informed him, but it is not possible from what I know. Dr. Gonsky told me that Ruffalo's questions were discussed during that conference, which were of little interest to us and would have brought no practical results.

Q. Now, a few questions regarding the typhus experiments at such-
small; the one Dr. Gonsky's paper in Black No. 16?

A. Dr. Gonsky.

Q. To whom was he subordinate in the line of the place of production in block 509?

A. In this place he was subordinate to me.

Q. Was there any difference in regard to this in his position of subordination?

A. The production of the vaccine started on the 7th of August, 1943, which was before the reorganization of the medical service and Dr. Gonsky was not concerned.

Q. After the end of August the Hygienic Institute was no longer subordinate to him?

A. Yes, that is right.

Q. Did the scientific work of Dr. Gonsky go directly to Dr. Gonsky?

A. I am sure that these reports were never submitted to Professor Gonsky by me or by any other; that is only because they went to me; they were immediately put into another envelope in my office and it was written when the report "Gonsky" was written.

Q. So that every publication of Dr. Gonsky is excluded?

A. In my opinion, yes.

Q. It was reported by Gonsky that Dr. Gonsky was giving a lecture about typhus vaccine in the meeting of consulting meeting; is that right?

A. Yes.

Q. In April of 1943 you informed Dr. Gonsky about the intended

amount of vaccines to be produced by the SS; is that right?

A. Yes, that was done in the spring of 1943.

Q. Did this information have a special cause?

A. Yes, there were three causes. At that time I was the Hygienic Expert attached to Dr. Gensken and I had to inform him about all important matters in my field as they applied to the army. Dr. Ding was to hold a lecture during that meeting of the consulting physicians because of Dr. Grawitz' wish. He had prepared this lecture and sent it to Dr. Grawitz for his approval and Grawitz sent this manuscript to me in order to look through it and it bore the same contents, which I mentioned, as that of May 5, 1942. As Dr. Ding was later written in a more extensive form, I think this can be found in my Document No. 10. This was my cause for informing Dr. Gensken about Dr. Ding's intention. He, as medical chief of the Waffen SS, had to be informed about the fact that a member of the Waffen SS was going to hold a lecture in that circle.

The second reason was that I wanted to inform him about the effectiveness of a number of vaccines, which was used for the troops.

Thirdly, I wanted to tell him when he could expect the first portions of vaccines for the SS and the amounts he could expect per month. I had to tell him that we could give him no future for the vaccines accordingly. That were the three reasons why I reported to Dr. Gensken at the time.

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Q. Did you discuss the question of the furnishing of prisoners in order to make observations about vaccinated and non-vaccinated people and their results?

A. The conference with Dr. Gansken was extremely brief. As far as I remember, I was standing close to his desk. I told him that the various vaccines which I mentioned to him had a different effect; I told him that the effect varied as to the length of the temperature; and a reduction of fatalities. or I told him that after he had vaccinated the entire SS we could count on a protective effect for all soldiers. On that occasion I showed him a few charts which were prepared at that time, the same charts which Ding prepared for his report, or I used those charts in order to explain the effectiveness of the vaccines to him.

Q. The mortality figures and the temperature figures could be derived from those charts, couldn't they?

A. Yes. If I remember correctly, on the heading of these charts the information was given what the day of the infection was. This entire conference was very brief and it is quite possible that Dr. Gansken—who was only concerned with the result in regard to data which he had to know—it is quite possible that he overlooked that. I don't choose to point it out at this particular time since I was not pointing to him to at Ding's series of experiments but was simply telling him about the protective value of various vaccines which he, as medical chief, had to know. These were two completely different points of view.

THE PRESIDENT: I suggest to the witness that questions be answered a little more briefly. The question to the witness is—
the question before the last one—could have been answered simply by "yes" or "no" which would have been adequately answered it.

The Tribunal will now be in recess.

(A recess was taken.)

THE HONORABLE: The Tribunal is again in session.

THE PRESIDENT: Counsel will proceed.

BY DR. HERKEL:

Q Professor, in order to review your last answer very briefly, it was not so at that time the days of the infection and the number of dead were expressly discussed?

A No, they were not.

Q Then consequently the fact that artificial infection of human beings was carried out was not mentioned?

A No, certainly not.

Q And I believe you did state that Dr. Gensken was not to be informed of all details of the tests, or he was to be informed merely as to the contents of Bing's report?

A The contents of Bing's report, and the effectiveness of the vaccines themselves, in that connection, of course, the report was complete, and I don't believe the medical chief needed to know any more than that.

Q Under whose control was the Dr. Ellenbeck Laboratory, which in the winter of 1943 was set up in the SS Hospital in Berlin?

A It was under the Hygiene Institute of the Waffen-SS, therefore, it was under me.

DR. HERKEL: Thank you. I have no further questions.

DR. WEISGERBER: Dr. Weisgerber for the defendant Sievers.

BY DR. WEISGERBER:

Q Professor, in your direct examination you already testified that the doctor in charge of the health system in the concentration camp was Dr. Telling?

A Yes.

Q Now on the basis of any conferences, or on the basis of any other knowledge, can you tell us anything about this; that on the basis of general orders in connection with the measures against epidemics pro-

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tective vaccination was ordered for concentration Mauthausen camps in fact, because at certain times a typhus epidemic had prevailed in this concentration camp?

A. There was a general order to all chief doctors in camps that when typhus appeared in a concentration camp, all inmates of the concentration camp had to be vaccinated. I myself had Lolling issue this order, and, therefore, I know from my own experience that this order was actually issued.

Q. The necessary vaccine was not adequate, was not sufficiently available; do you know whether Dr. Lolling tried to do anything about this scarcity?

A. It is true that for the many hundreds, thousands of people there was not always immediately at hand enough vaccine available. There was not typhus in every camp, there were only a few of them, but generally the largest ones, and frequently the institute had notice when a vaccination was to be carried out, and the vaccine was not available in large enough quantities. It is possible that Lolling made an active attempt to obtain vaccine from somewhere.

DR. DISCHERER: Thank you. I have no further questions.

THE PRESIDENT: No further questions by the defense counsel. The Prosecution may cross examine.

CROSS EXAMINATION

BY MR. KATZ:

Q. Dr. Murgowsky, in your position as Chief of Amt 16 in the SS Paschungs-Hauptamt, that is, prior to the reorganization in 1943, your immediately superior was Dr. Karl Grawert, is that correct?

A. Yes, that is correct.

Q. Now after the reorganization in 1943, you were no longer subordinated to Dr. Grawert, but you became subordinate to Dr. Grawitz, is that right?

A. Yes, that is correct.

Q Now in your position as Chief of Amt 16, and Genaken, the Hygiene Institute of the Waffen-SS was under your control was it not?

A Yes, that is correct.

Q Dr. Ding was a member of the staff of the Hygiene Institute of the Waffen-SS, wasn't he?

A That is correct, for a certain part of Ding's activity.

Q How long was Ding connected with the Hygiene Institute of the Waffen-SS?

A Until the collapse.

Q Now, I assume that you contend that the Hygiene Institute of the Waffen-SS did not set up the experimental station at Buchenwald, is that right?

A Yes, that is correct.

Q Did Dr. Genaken set up an experimental station at Buchenwald.

A No, Dr. Grawitz.

Q Do you recall on October 25, 1946, during the course of an interrogation when I asked you whether or not Dr. Genaken had anything to do with the setting up of an institute at Buchenwald, that you replied that Dr. Genaken was instrumental in forming the Buchenwald Institute, do you recall that?

A I certainly did not say it in that form.

Q Who placed Dr. Ding in charge of the experimental station at Buchenwald?

A Grawitz.

Q Did I hear you say that Heinrich Himmler had something to do with the appointment of Ding as Chief of the experimental station at Buchenwald?

A Yes, that is true. Grawitz had applied to Himmler that Ding should be given this assignment.

Q Who told Grawitz about Ding?

A Ding was known to Grawitz. I know that during the first campaign in France Grawitz was with the Deathhead Division, and Ding was

Adjutant of the divisional doctor at that time, and I also know that Grawitz sent Ding to Graz in charge of a construction group in the SS Medical Academy, which trained students. In other words, Grawitz knew Ding.

A Do you deny you ever had given orders to Ding in his capacity as Chief of the experimental station at Buchenwald?

A I did not give him any order.

Q Do you deny that Ding ever reported to you his capacity as Chief of the experimental station at Buchenwald?

A Reports from Ding as to work going on, actually going through in the Institute.

Q Now I call your attention to a few reports which have been set forth here in your affidavit. One was a document No. ND-571, Prosecution's Exhibit No. 285, which is found on page 14 of the Document Book No. 12, Your Honor, wherein Ding reports to you. Another one is Document No. ND-582, which as you call it, "A Publication of the Chief of Typhus Research noted on derivatives by Ding," this heading at the top of this report or publication. Then you say recall the following words: "From the Hygiene Hospital of Raffen-SS Berlin, Chief, SS Ober Fuhrer Brugowsky." Now in your own affidavit which is document No. 423, Prosecution's Exhibit No. 282, found on page 7 of the Document Book No. 12, you said the following:

"I obtained full knowledge of the position and activities of Dr. Karl Gansken, and of the position and work of Dr. Edwin Ding, who was Chief of the Department for Spotted Fever and Virus Research at the Hygiene Institute of the Raffen-SS at the Buchenwald Concentration Camp. Several times I received reports to which charts were attached from Dr. Ding indicating results of the experiments carried out there, and I reported on these matters to Dr. Gansken on occasion which shall be described later." And then you go into detail about the same report. Now on direct examination you stated that you never issued orders to

Ding, or that Ding never got orders from you, and as a matter of fact, you go so far as to state you don't know where Ding got his orders from. That all being the case, why in the world did Ding submit his reports to you?

A There was a very definite reason for that, arising from the special structure of Grawitz office. I did state during the direct examination that Grawitz did not have any working staff, that was before the reorganization, and several of my documents showed that for that reason he used members of other staffs, that he gave them special assignments, and I was one of these, and I have testified that in this capacity I had special title "Chief Hygienist," and I also said that this activity was very slight. Since Grawitz had no working staff of his own, and as he was not the Hygienist, and not the Bacteriologist, then he did not know necessarily what to do with Ding's various reports or orders, that Ding was to send the reports through the Hygiene Institute. Since there was correspondence anyhow because of the production of typhus vaccine, that was the reason.

Q Then you do admit that you received reports periodically from Dr. Ding concerning the experimental activities at the Buchenwald institute, don't you?

A No, I do not admit that. That would not be correct. Even Ding says - or rather, even Ding does not say in his diary that he reported regularly on all series of experiments. I believe that only in the case of three or four series does he say that reports were sent to Berlin, and I am not at all certain that all of them went to my institute. I myself remember only the first report about the first series in 1942 which I passed on to Grawitz and which he gave me back later to work on. I did not work on these reports independently. They came to my office with the mail and the person working there read them, picked them out and sent them to Grawitz and then Grawitz gave me instructions as to whether I was to do anything about them. There was no regular report.

Q Well now, let me refresh your memory a bit, Doctor. I call your attention to an affidavit of your secretary, which is found in Krugowsky's document book No. 1, marked Krugowsky Exhibit No. 13. On page 51, in paragraph 7, your secretary states that: "Ding's reports about his tests on prisoners went via the Hygiene Institute to Grawitz." In addition to that, I call your attention to the testimony of Dr. Kogon on page 1155 of the record where he states: "Dr. Ding, when he was not in Berlin, personally used to write reports to Krugowsky every three months." Page 1157, "The correspondence was carried on primarily with Krugowsky". Page 1160, he states that reports on experiments at 45 were sent to Krugowsky in Berlin. On page 1163, Kogon stated that "the instructions for the execution of the experiments had come from

Mrugowsky in Berlin." On page 1177, Kogon states that "Ding triumphantly showed him an order from Mrugowsky", an order from Mrugowsky regarding Danish vaccine experiments. On page 1185, concerning poison experiments, Ding said to Kogon: "Kogon, do you see any way to get me out of this business? I am supposed to test a poison here on Russian prisoners of war. I must report on it immediately. It is a direct order from Mrugowsky. I don't know how I can get out of it." On page 1186, Kogon states that Ding had to report to Mrugowsky orally and not in writing. On page 1192, he states that "Doctor Zillenbeck was directly subordinated to Doctor Mrugowsky" in connection with the serum for typhus convalescence, and he states, on page 1195 and following over to 1196 that Zillenbeck took the blood from the inmates of small camps under Mrugowsky's orders. He states on page 1202 that in the late summer of 1943, Mrugowsky became the sole chief of Dr. Ding and gave all orders. They may have been suggested by Ding or other firms, but any experimentation was ordered by Mrugowsky. Now, Kogon further goes on to state on page 1241 that "Mrugowsky occupied such an important position that it appeared dangerous for Ding-Schuler to go over the head of his immediate superior, Mrugowsky, and to have too much direct contact with Grawitz." Furthermore, Kogon stated, at which you smiled, that he almost wore his fingers to the bone typing your name on these reports. And I also call your attention again to an interrogation of 25 October 1946, wherein I asked you: "... Did Ding give you periodical reports on his experiments?" You answered: "Yes". I said: "... How often?" Your answer: "I received his reports after having finished each experiment."

Now, Dr. Krugowsky, in view of all this do you still maintain that you never issued any orders to Ding and that you were not responsible for the activities of the typhus and virus research station at the Buchenwald concentration camp?

A. First of all, I should like to say that these are not facts. These are merely assumptions. I may remind you that Kogen was asked about these things repeatedly during the examination. For example, the matter which you mentioned on... I don't know the page - when Ding is supposed to have shown him an order from me with regard to the Copenhagen Vaccines. He said afterwards when he was examined by Dr. Fritz that the order was not in writing but that Ding had told him he had received such an order. And may also point out that this business about wearing his fingers to the bone does not refer to the reports, but to the long title which Ding always used in the heading. It is true that I told you last October that, in my opinion, Ding reported frequently and reported on the various series. At that time I had no knowledge of the Ding Diary. This document was shown to us only after the indictment and I did not know about all the experiments which he had conducted and you will remember that, at that time, we spoke only of, I believe it was two series and that was series 1 and the meridian experiments. And, as I thought at that time, these were the only experiments which Ding had conducted and I told you that I had seen a report on the first series and I said, in my direct examination, I spoke about the meridian question. I have not been able to see that Kogen reported from his own knowledge as far as my own orders were concerned. When he was asked afterwards, and he was asked at several points, he always said

"Ding told me so". Ding could tell him anything. That doesn't make it true.

Q. You'll go on, Doctor. The prosecution has introduced documentary evidence which indicates that on the 29th of December, 1941, a meeting was held in the Reich Ministry of the Interior concerning the typhus problem. Now, you maintain that such a meeting was not known to you, is that correct?

A. That is correct, and I also say that I was not present.

Q. And now, you recall that in Document No. 1315, which was Prosecution Exhibit 454, on page 2, it stated as follows: "The vaccine which is presently being produced by the Behring Works from chicken eggs shall be tested for its effectiveness in experiments. For this purpose, Dr. Demnitz will contact Obersturmbannführer Dr. Krugowsky." As a result of this meeting, were you contacted by Dr. Demnitz?

A. No. In the document which I have submitted as coming from Dr. Demnitz himself the state of affairs is shown rather clearly. First, on the 6th of January, I was expected back from Kiev, that is, from the Ukraine. Second, Dr. Demnitz says quite clearly that I did not contact him because it was no longer necessary because we already had contact with one another. On the 22nd of December I received five hundred doses of vaccine from him for use under the East Ministry, and, at the beginning of January, 1942, I received six hundred doses. The correspondence in this matter is in my document books. Then the Behring Works was expressed the wish that, in the test which Gilchrist and I had agreed upon - the test of the various vaccines, the vaccine produced by the

Behring Works should also be considered. That had not been planned in the beginning. This test was to cover only the vaccine produced by the Robert Koch Institute, produced by Gildemeister, and now the Behring Works asked that their vaccine was also to be tested and I believe that the documents also show that Gildemeister did not want this at first. Apparently he was afraid of some difficulty. Actually, however, I had already established contact with the Behring Works because I needed vaccine. Therefore, it was not necessary for any further contact between Dornitz and myself.

Q Then it is perfectly clear that in this meeting in the Reich Ministry of the Interior the intention was expressed to test the effectiveness of vaccines by experimentation, wasn't it, from your knowledge of the documents/?

A There is not only your document about this matter, but two other documents, and these three documents show the state of affairs quite clearly. Almost every word that was spoken is reproduced there. It was purely an industrial discussion, and Gildemeister merely mentioned that his vaccine - or that I was to see to it that his vaccine was used on a large scale. The correspondence later with the Behring Works line shows what the intention was. That persons, Germans who were to be used in the East as officials and who had to be vaccinated should be vaccinated with this vaccine. That is a test on human beings. If you make this kind of experiments on human beings, you are right. But it would not be true if you apply that to Ding's experiments. There is no connection.

Q Did you ever attend a meeting on 29 December 1941 concerning this typhus problem?

A No.

Q You state that no such meeting took place, as stated in page 1 of Ding's diary; is that correct?

A That is my conviction.

Q You further stated that if you did have a meeting you would never have taken Ding along; is that correct?

A I cannot remember taking Ding to any meeting at which I was present. If I was there I did not need any assistance; I always went to meetings alone.

Q Did you ever attend a meeting at any time on the typhus problem in December on another date than the 29th?

A On the typhus problem; of course there was a great deal of discussion at that time in various places.

Q You never attended a meeting as outlined by Ding on another date?

A No, at this meeting of Conti, Handloser and I or Ding. No, I apparently was never in such a meeting as I was never at any meeting with Conti and Handloser.

Q Did you attend a meeting on December 29th or thereabouts concerning the typhus problem at which Schreiber and Gildemeister were present?

A I do not believe so, as I have just settled in the last few days with certainty in my mind on December 27th I left Berlin; during these days I could not have been at any meeting as that was when I was on my travel to Russia.

Q You changed your mind since last November, didn't you Doctor? I wish to call to your attention that Mr. Wansney and I interrogated you on November 1, 1946 and we had previously interrogated you on 28th of

October and the majority of the time was consumed in discussing this meeting. In the course of this interrogation on November 1, 1946, Mr. McHenry asked you whether or not the stated by Ding in his Diary concerning this conference was accurate and you said, "I remember that meeting and it occurred to me that there was present Schreiber, Gildemeister, Ding and myself. It is possible that Rose and Reiter were present too, but Handloser and Conti I don't remember as being present. I think that the meeting took place in a room of Schreiber's in the Army Medical Inspectorate, not in the room of Handloser."

Are you telling the truth now, or were you telling the truth then, Doctor?

A It is true that I made that statement, that was based on my knowledge of the situation at the time. You will remember that you did not show me the diary, you merely read this entry to me; an excerpt and in my direct examination I have stated, and I have just repeated it, that at that time there were several discussions about typhus. It was the most important medical problem in Germany at the time and of course I repeatedly met the same people at these meetings. There are not many people in Germany who have a certain degree of knowledge about typhus and it is also true, as far as I remember, that Rose was present at one of these discussions. I also attended a meeting with Gildemeister at that time, but certainly never on the 29th of December and in the second place never with the people mentioned in the Ding entry. That is wrong for sure.

Q Now, in view of this interrogation and the answer which you gave, which I assumed was truthful at that time, must I assume that since you have seen the

documents and realize how complicated the documents are, your memory is becoming convenient and you say you did not attend the meeting; either you did or you did not attend the meeting. You stated that you did and there was Schreiber, Gildemeister, Ding and yourself and your memory is only refreshed by the entry in Ding's diary and you immediately recalled such a meeting; did you ever meet with Schreiber, Gildemeister and Ding and discuss this problem?

A It is true that I discussed typhus with these people, yes.

Q What did you talk about?

A Gildemeister and Schreiber you said; didn't you or Ding?

Q Gildemeister and Schreiber.

A I talked to Gildemeister and Schreiber about the problem of increasing vaccine production. Gildemeister's point of view was that the army procedure, the Heigl vaccine was very slow and cumbersome and could not be increased to the extent necessary and I shared his opinion and I still do. On the other hand, Schreiber shared Eyer's opinion that the main thing was to develop one procedure well and on a large scale and when one is in the middle of production not to stop everything and change everything for a new procedure; that was Gildemeister's opinion.

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Q. You did not discuss the testing of these vaccines?

A. As far as Ding's experiments were concerned, we did not say a single word.

Q. You did not discuss the testing of vaccines at all at this meeting with Schreiber and Goldwasser?

A. Yes, the necessity of gathering experience with the various vaccines was discussed of course. But I remind you of the Document of Haneler concerning Gumbert who was the best typhus expert in Europe, who had dealt with typhus all his life. In 1943 he said all the vaccines from chicken eggs (we got all known enough in their effect and there was a considerable danger in 1941 when we were at the beginning of this period.

Q. Now, by the same secret document it says that this Institute was set in January of 1942 following these meetings at the Ministry of the Interior and was working with Schreiber and Goldwasser. How can it be that at that time and at that place an Institute if they did not discuss such a problem as to deal with this problem of typhus?

A. I should mention several things about the problem of typhus. Gumbert was extremely interested in this, and the SS also had a great interest in it. He was also interested in the Ministry of the Interior. Now I think we can be sure that Gumbert and Goldwasser had the typhus problem in their mind as a problem in Germany at that time, it was a problem of the Government officials were naturally concerned with it then. It was their duty and in order to make it clear to the Government to be clear about how an expert from the German epidemic lab, which was a research museum against typhus, not in 1941 but since 1938. The great interest of our Government and the Government officials can be explained in this way.

Q. Well, now that the vaccine was not used until during the course of all these various meetings, that is in December of 1941 and the testing discussions, if it was not good upon the experi-

most on human beings; to test the value of these on human beings, they set up Buchenwald; why did the Waffen SS resort to the Buchenwald concentration camp if it was not determined before hand that they would experiment on human beings; why did they not go to the Military Academy and get volunteers; why did they not go to your institute and get volunteers if they wanted a compatibility test?

A. I understand the difficulty of understanding these reasons, they are really very complicated, but I may remind you that in the interrogations we discussed this point at great length. You asked me which block was set up first, Block 46, and I told you and it is still my opinion today that the vaccine production, which was later Block 50, was set up first. That is the fact which interested us in the Waffen SS and from there came a second development from a different source, that is from Grubitz and Bissler and the consequences of this second aspect was the creation of Block 46; that is later Block 46. This second development bypassed the first development because Dr. Bissler and the others did not want to work for the first six months and therefore the vaccine production could not begin.

A. I don't think that any further, Doctor. I might say, and you might say, it was your intention to set up Block 50 first and to put it in the Buchenwald concentration camp; I ask you how in 1941 you could have reported to the Buchenwald concentration camp to set up a vaccine production if it could have been done in any of your other institutes; was it because you properly thought it necessary to have the vaccine production in the Buchenwald camp; that is the only logical conclusion, Doctor?

A. No, I beg your pardon, the first conclusion is not logical. In order to test a vaccine on a concentration camp on human beings I do not need to go to the Buchenwald concentration camp, too many vaccines from other sources were tested there. The reason was quite a different one, which I have already explained to you very carefully. At the beginning of the war there were the bacteriologists in the Waffen-

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SS: At the beginning of the campaign in the east the duties in the field of hygiene and epidemic control suddenly arose enormously. The assistants in Hygienic Institutes in Germany, who had been drafted into the Waffen SS, was a very small number; they were mostly very young and had only seen training in bacteriology. If we wanted to take over such a definite task as vaccine production, that is if we wanted to connect with industry, we had to have experienced men.

Where could we get these men? I knew that among the prisoners in various concentration camps there were foreign bacteriologists and quite well-known people. Dr. Born, for example, mentioned the Czech professor, Thomaschek. He is a professor at the Czech University, a very well-known man in Europe. There were various other people under arrest.

At that time through Lohing I inquired of all the concentration camp doctors, and about ten to fifteen bacteriologists were reported. I said to myself, "If we do not have enough bacteriologists now, then there is the possibility that these bacteriologists who have a great deal of experience can participate in this work." I had another thought in the back of my head, too. In the first part of the war the prisoners who had previously studied medicine were not allowed to work as doctors. They were employed in the stone quarries and so forth. That is a terrible physical and mental effort for a man who is not used to such work.

I tried in this way to give them an opportunity to work in their own speciality again, not only as doctors but in their own specialized fields. That coincided with my own desire to have vaccine produced, although we did not have enough of our own SS doctors for this purpose and there was no opportunity to train people thoroughly enough.

Q. That's answered on that line. Now, in your Document Book Number 1, Page 104, which is Krugowsky Exhibit 19, the last paragraph states: "On request of Ministerialrat Dr. Pieber, it is also stipulated that in a large-scale experiment, agreed upon by the Robert Koch Institute and the Hygienist of the SS, Dr. Krugowsky, both Weigl's vaccine and the vaccine of the Behring Works shall be included." What is this large-scale experiment?

A. That refers again to the testing of the vaccine which is mentioned in the Pieber document which you submitted as a prosecution exhibit in connection with the discussion between Bornitz and myself. That's the same thing. It is called large-scale experiment apparently because it is a question of hundreds and thousands of vaccinations. One

of my documents -- I believe it comes from Dr. Demnitz -- shows that as early as September, I believe it was, 1941, we informed the Behring Works of our need in respect to the Germans to be settled in the Eastern areas, whom I estimated at the time at 20,000. That was really a large-scale experiment; and I think that that is what this word refers to; not experiment but test.

Q All, summing up this discussion of the conferences, you do suggest that you had meetings or a meeting with Schreiber and Gildemeister. Now, was that meeting in the office of Schreiber in the Army Medical Inspectorate?

A Yes, that is correct. It must have been earlier. I remember that there was no snow at the time; and that would not have been the case in December. It must have been in the late fall.

Q You exclude the possibility that Dr. Ding was there; is that right?

A At this discussion which is mentioned?

Q Yes.

A Yes, he certainly was not there.

Q However, you do admit to this Tribunal that in answer to a question in an interrogation on November 1st, 1946, by Mr. McHaney, regarding the statement by Ding on Page I of his diary, as to whether or not it was accurate, you answered, "I remember that meeting; and it occurred to me that there were present Schreiber, Gildemeister, Ding, and myself. It is possible that Rose and Reiter were present, too; but Handloser and Conti I don't remember as being present. I think that the meeting took place in a room of Schreiber's in the Army Medical Inspectorate." You admit that you said that in an answer to a question that Mr. McHaney propounded to you on November 1st, 1946, do you not?

A It is true that I said that; but I point out that it had been five years since the meeting and that my memory was not necessarily quite accurate and that it is much better to base one's opinion on the documents which speak quite clearly.

Q Now, you have stated here that you never issued orders to Dr. Ding regarding experimentation. I wish to call your attention to Document Number 80-257, which Prosecution Exhibit Number 283, on Page 10 of Document Book Number 12, wherein Dr. Ding stated as follows: This is an affidavit of Dr. Ding. "At the end of 1942 I took part in a conference of the Military Doctors' Academy in Berlin. The topic of discussion was the fatality of gas burn serum on wounded. Now, Kilian and Krugowsky gave reports of soldiers who had seen gas edema serum in high quantities up to 1500 c. c. an hour afterwards out of complete recuperation."

DR. FLEISCH: Mr. President, I object to the use of this affidavit by Dr. Ding. I objected to it when it was submitted. Dr. Ding is dead. It is, therefore, no longer possible to call on him for cross examination. Written testimony of dead persons may not be used in the trial for this reason. I object to the use of this testimony.

MR. ELKLEY: I don't consent, your Honor. The document has been admitted into evidence; and I feel that I can use it in cross examination.

THE PRESIDENT: The objection is overruled. The document may be used for purposes of cross examination of the witness.

Q I'll repeat. In substance this affidavit states that in 1942 a conference was held in the Military Medical Academy in Berlin. Those present were Schreiber, Krugowsky, Ding and apparently Kilian. Now, you have submitted an affidavit of Kilian here in which Kilian states that such a meeting took place. Do you remember attending that meeting?

A Yes.

Q The topic of discussion was gas burn serum, was it not?

A Yes, that is right.

Q Now, Dr. Ding states in his affidavit: "Krugowsky suspected that the phenol content brought about the fatal results of the combination of the separate injections." Was that true?

A. Yes.

Q. Now, Ding goes on to say, "In the presence of the other gentlemen Drugowsky, commanded us to take part in the euthanasia with phenol in a concentration camp and to describe the result in detail, since neither I nor Drugowsky ever saw a case of death through phenol." If I understand it correctly, you deny that you ever commanded Ding to do such a thing; is that correct?

A. It is very fortunate for me that Ding made this statement in the form in which he did. The other person present at this meeting, Prof. Kilian, says quite clearly in his document that in his presence no such assignments were mentioned. That refutes the statement of Ding. I have no necessity to do so either. We learn about phenol deaths in the pharmacology at the University; and we fail in the examination if we don't know about it.

Q. Well, in this regard, how would you determine the tolerance of a serum containing phenol, unless you experimented with phenol or unless you experimented with the serum? Isn't there a problem there which should have been given consideration by the members of this meeting?

A. Yes, that is true. There were two things to be considered; first, the symptoms of poisoning themselves were very well-known and did not require any investigation. It is known that death from phenol and damage to health can occur, such as appeared here after the use of gangrene serum; and it was a question of figuring out how much phenol is contained in 100 c. c. of gas gangrene serum. For example, that is 2 c. c. of concentrated carbolic acid; and the human body cannot stand that without harm being done. In the second place the possibility was discussed of testing this thing once more by experiments. Prof. Kilian speaks about this in his document. In the conference he reported that, I believe, four or five of his associates, assistants at his clinic in Breslau, had injected into their arteries a solution of phenol and table salt, and then all suffered certain symptoms of phenol poisoning. The situation was cleared up by this. There was no need for further experimentation.

This experiment had taken place before the meeting. Kilian reported about it. I said to Ding: "Orientate yourself about phenol poison as such it may become important in course of the war in cases of large doses of serum being given." I told him where literature was to be found at Jena. I said that because I was responsible for Ding's training as a hygienist and a bacteriologist, I am responsible to the state for training my assistants. At the end of their specialized training, I had to give a certificate that they had been properly trained.

For that reason I took advantage of all the opportunities which arose by accident to demonstrate to my assistants rather complicated questions in our field. For that reason I went to this meeting with Ding. I wanted to induce him to think about this question of gangrene, and it is better to do this on the basis of experience rather than on the written orders.

Q. One last question, Doctor. As a result of this meeting, Ding then returned to Buchenwald and killed people with phenol injections. You deny that you commanded him to do that, and do you state that Ding did that on his own initiative? Is that your defense to Ding's statement?

A. I certainly do say that, yes. I had nothing whatever to do with it.

18. HENRY: I believe this is a good breaking point, your Honor.

THE PRESIDENT: The Tribunal will be in recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 2 April 1947).

THE CLERK: Persons in the Courtroom will please find their seats.

The Tribunal is again in session.

JOACHIM BRUGOWSKY - resumed

CROSS-EXAMINATION - Continued

BY MR. HADDY:

Q Prior to the afternoon recess, Doctor, we were discussing the phenol problem. Now in this connection did you at any time propose experiments to be conducted at Dachau - if concerning the tolerance of serum or sera containing phenol? That is, did you propose that in 1942 or 1943 or any time?

A No, no such suggestions were made and they were not necessary because in Germany every serum contains phenol. In the German serum industry there is no serum produced without phenol. I am speaking of the sera for therapeutic purposes, not vaccines.

Q Then at no time did you ever propose that experiments be conducted to determine the tolerance of sera containing phenol, is that what you say?

A No, I never suggested that.

Q Are you sure, Doctor?

A Yes.

MR. HADDY: At this time, Your Honor, I offer Document 90-113, as Prosecution Exhibit No. 460, for identification. This is a letter dated Berlin, 24 August 1944, Subject: Service of experiments; it has reference file indexes, addressed to the Chief Hygienist on the staff of the Reich Physician SS and Police, Berlin - Zehlendorf.

JOACHIM BRUGOWSKY:

"I am able to inform you that the Reich Physician SS and Police approved today the series of experiments proposed by you."

1. specific therapy with typhus
2. tolerance of sera containing phenol.

"I agree that both series of experiments in the department for typhus and virus research of the Hygienic Institute of the Kaiser-Wilhelms-Institut should be carried out, and request that I be informed of the course of the findings, perhaps through intermediary reports."

By order of Grawitz

Signature is "NICOLAI"

Q. Now this states that the Reichsfaktor 2-GS has approved a series of experiments proposed by you and the experiments may be carried out in Buchenwald. You stated that you never proposed experiments to determine the tolerance of sera containing phenol. Now do you maintain, doctor, that you never indicated any experimentation to determine the tolerance of sera containing phenol?

A. Yes. The connection here is something quite different. I shall discuss point 2 first. I have already said that in Germany there were no sera without phenol. In connection with this general question in German serum, I informed Grawitz about the discussion which is being discussed here, at which Adlian and Schraibner were present, and I told him that the industry should try to produce sera without phenol, as the French serum industry had been doing for some time. I knew that suggestions to that effect had been sent to the industry, but that the German serum industry had refused, during the war, to effect any such basic change in its production because it was not in a position to obtain the necessary special apparatus, filters, etc. I also informed Grawitz that in serum therapy for ordinary diseases -- I was thinking primarily of diphtheria, in which large quantities of serum were used at the time in the therapy against diphtheria when it had broken out, because the highly concentrated serum was in demand and in necessary quantities -- I told him that in such diseases one should be able to see whether there might result from phenol.

and I told him that it would be desirable to know whether serum without phenol would definitely prevent such a shock and etc. I also remember that this point too had connection with the fact we had negotiated with Behring works for the production of serum frequently in small quantities in order to use them, and to compare them with other serum. If I remember correctly this involved diphtheria serum, that is the serum which is used mostly in Germany. The comparison was to be made of symptoms following the administration of the usual diphtheria serum containing phenol in the children, revealing free diphtheria, and which was to be seen whether the symptoms would appear and the symptoms following the administration of the serum freed from phenol were to be noted. This was what I wrote down here, and as a list that a series of experiments. I did not point out that this was a series of experiments in this case cannot refer to artificial infection, because with diphtheria it is not possible to use a human being artificially infected with diphtheria serum.

Q. Doctor, after receiving this confirmation of your proposals to perform experiments as outlined in this letter, you must have issued orders in that regard. Now to whom did you issue these orders?

A. No, I did not issue any orders. In my opinion this concerns activities of some civilian hospitals; for among the troops, and in concentration camps we did not have any diphtheria patients.

Q. Just a moment, Doctor. But it is said in this letter that it agrees that these experiments can be carried out in Department of Typhus Virus Research of the Hygienic Institute of the Kaiser-SG in Weimar-Sachsenwald. Did you or did you not carry out these experiments in Weimar-Sachsenwald?

A. No.

Q. Never issued any orders to carry out such experiments to Ring, for instance?

A. I have already explained that this series of experiments mean. It is possible that I suggested for example that he was to vaccinate

one child with one kind of serum and another child with another serum. That is possible; I don't remember about that. But to try out serum containing phenol on human beings, that I did not order.

Q. Then as a result of this letter of Credits to you approving your proposals, you took no action, is that right?

A. No. I may point out that this has no connection with the Ding affidavit, which also refers to serum containing phenol.

Q. I am not asking you that question. Did you or did you not as a result of this confirmation of your proposals order that experiments be carried out as outlined in this letter? I am not interested in other phases of experimentation at Buchenwald. Did you or did you not carry out or have carried out experiments as outlined in this letter?

A. I do not know anything about experiments which were carried out.

Q. You told us in direct examination that you did specific therapy with typhus carried out at Buchenwald, didn't you?

A. Yes. I was referring to point two, serum containing phenol, and as to No. 1 specific therapy with typhus, I explained that in my direct examination. Do you want me to repeat it.

Q. No, you don't need to explain it again. You did as a result of this confirmation of your proposals and there is no conflict with this letter to Buchenwald?

A. No. It was not an order, but a suggestion. As I have said in my direct examination it was not a series of experiments in the sense of artificial infection that would have been senseless, because we had enough people suffering from typhus with whom this therapy could be carried out. It is unfortunately so that in the German language we use a word "experiment" not only in artificial infection but also for tests of such a nature, and to we call them experiments, too.

Q Then you only passed it along as a suggestion and not as an order, is that what you wish to state?

A Just a suggestion to certain internists, that, in the case of typhus, against it we had no treatment, they should test this new treatment, which in a clinically similar instance paratyphus "A" had very good results; for that reason I was of the opinion would have justified in trying it and of the same way in typhus. This suggestion, I believe, went to three different persons, who were internists in the SS hospitals, and I believe they were in Berlin, Prague, and some other hospitals, and it is quite possible that I also made such a suggestion to Jany, because I knew that I discussed this matter with my assistants, but not with the purpose of starting a series of experiments with artificial infection.

Q Let's go on doctor. On direct examination you said you knew nothing about high altitude experiments, is that right?

A That is right, yes.

Q In addition you knew nothing about Gascher's research work at all?

A No, I knew nothing about Gascher's research work.

Q Now Document No. 50-647, which is Prosecution Exhibit No. 124, which is found on the last page of Document Book 3, there is a note by Siemers which states as follows: "Subject: Cooperation of Hygienic Institute of the SS. In reference to my letter 7/2/42, regarding vermin -(reads letter.) Now do you state that Siemers erroneously included your name in this notation in connection with the research of the gastein water?"

A Yes, in this discussion I remember this discussion with Siemers in my Institute very well. It was fortunate circumstances

Q Let's not go into other discussions. Did you or did you not discuss the research field of Gascher's with regard to use of the gastein water in cases of freezing, as stated in this document?

A According to what Siemers has told me here, he asked me who within the SS hospitals, and medical inspectorate of the SS, of the medical office was competent for such experiments, and he also said that this water was actually used later against freezing in the SS hospitals in Vienna. Of this specific point about the gasolin water I don't remember. It could only be a particularly brief question, but we certainly did not discuss Kuschner's work of either high altitude experiments, or cold experiments. On those Professor Schuler who is mentioned here, has been here since yesterday, and he will testify as to what we discussed at this meeting, and he will confirm what I have said that we did not discuss Kuschner's research work.

Q Now you have said on direct examination your representative or a member of your staff of the Institute attended the Auerberg meeting on freezing, and he reported to you about the meeting, is that right?

A Yes.

Q. As a matter of fact you stated in direct examination that you visited Dachau itself or that you were unable to get into the inner camp, is that right?

A. I said that in the spring of 1943 I was in Dachau at a food meeting. I was not in the concentration camp and I did not talk to any of these people. I also said that this meeting probably took place after Rescher had finished the high altitude and cold experiments. As far as I remember it was in May, and the experiment only lasted until April, but I was not quite sure whether the meeting might not have been at the end of April, but in any case, and this is confirmed by the affidavit of Paul, it is certain that I had no opportunity to talk to anyone who worked at this experimental station of Rescher's and had no opportunity to enter the concentration camp, since we were taken out from Munich all of us together, and after the meeting we were all taken back together.

Q. You also state in direct examination that you received knowledge from Grawitz of Schilling's experiments with malaria, but that you had no opportunity to interfere since you were still in the So-Fuehrerhauptstadt, is that right?

A. Yes, that is right.

Q. Now, you also state, of course, that Schilling's work continued until the end of the war, aren't you?

A. Yes, that is true. I heard of it here.

Q. Then after you became Chief Hygienist, that is Chief of Office 3 in Grawitz' office you didn't interfere with Schilling's work either, did you?

A. I did not know at that time that Schilling's work was still going on.

I can testify quite definitely under oath that outside of this intermediary report, which I believe was in 1942, I never had anything more to do with the whole matter, and was quite astonished when I learned suddenly after the collapse that Schilling had continued the syphilis experiment in Jochau until 1945. This is my explanation for that. According to the records of the trial at Weissenau Schilling approached Himmler by mediation of Denti, and Grawitz told me at the time that he himself had no influence on these matters because they had been ordered by Himmler personally. Grawitz had not been included in the matter, and I believe that it is also shown by the records of the trial at Weissenau. I was of the opinion that these matters had come directly from Schilling to Grawitz. That was my opinion until the beginning of this trial here. In any case I never had anything more to do with it. I never said anything about it. I was never told anything about it, and I never did anything. I never took any steps in the matter. I was convinced that it had long been finished.

Q. Well now, regarding the syphilis experiments, on direct examination you didn't deny that the cultures came from the Hygiene Institute to the Waffen SS, did you?

A. No, that is not right. I only said that it was possible. There is a difference, isn't there? I myself knew nothing about it. I was not in Berlin at that time.

Q. Fischer says that the cultures came from the Hygiene Institute to the Waffen SS, doesn't he?

A. Yes.

Q. You were chief of that Institute, weren't you?

A. Yes.

Q. Now, regarding the epidemic jaundice experiments you said that you knew nothing about those experiments as presented here, is that right?

A. I learned of these experiments only through the trial.

Q. You never heard of any proposals or never talked with anybody about experimentation in the field of hepatitis epidemics, is that right?

A. No. I never talked to anybody, the things which are the subject of the trial, that is. Of course, I have discussed the disease itself, but never the question of what is the cause, and I never did anything in that connection. I never talked about the experimentation.

Q. You have talked to Gutzeit about hepatitis, I suppose?

A. I don't believe so. I know Gutzeit only visually, and aside from general medical settings where there were many hundred people I met him only once at a small meeting. That was the second time when I talked to Professor Mendelsohn. There was a question of whether the epidemic danger no longer existed. Something quite different. It did not discuss jaundice.

Q. Now, did you ever talk to Schreiber about hepatitis?

A. Certainly not, never.

Q. Any work along the lines of hepatitis was of interest to you as a bacteriologist, wasn't it?

A. Yes.

Q. Now, wasn't Schreiber, as I recall, plenipotentiary for research in epidemics, in the Reich Research Council for research on epidemics, in the

Reich Research Council?

A. Yes, he was, but all the time since he had held that position, I believe that was since 1943, I had hardly anything to do with Schreiber, because our points of contact were actually in the field of troop hygiene. When we met each other we always discussed how we could protect our soldiers. That is purely business. But it was no longer necessary later because he had a successor in this office as troop hygienist, and these conversations were carried on with that man. During that time I saw Schreiber perhaps twice, but we never said a word about any experiments or about matters concerning the Research Council.

Q. Did Schreiber ever show any interest in experiments on human beings concerning hepatitis?

A. I don't know. I can't say anything about that. He didn't say anything to me about it. I can't remember ever discussing the specific topic of jaundice with him. We discussed typhus a great deal, typhoid fever, malaria, but not jaundice. That was not a subject for the hygienist but for the internist.

Q. Then he never expressed any desire to experiment on human beings to you, Schreiber?

A. No, not to me.

Q. Did he ever frankly request you to supply him with subjects to be used in experiments?

A. No.

Q. Now you know nothing about any plans concerning experimentation on human beings in the field of hepatitis?

A. No, I have no idea about that.

Q. Doctor, I want to give you an opportunity to think a moment and to realize you are under oath here, and I want to give you another opportunity to save yourself from perjury. Do you still state that you know nothing about any plans or enterprise concerning experiments on human beings in the field of hepatitis?

A. I can only repeat that I know nothing about any plans concerned with the things which are the subject of your trial.

MR. HARRY: I now want to introduce Document No. 1303, which is offered as Prosecution Exhibit 487 for identification. Do the interrogators have a copy? This is a letter on the letterhead of Reichphysician SS and Police, Chief Hygienist, dated 29 January 1945, regarding consent for a series of experiments, addressed to Reich physician SS and Police, Berlin.

"Hauptsturmfuehrer Professor Dr. Dreesel, Director of the Hygienic Institute of the University of Leipzig has cultivated a Virus from persons suffering from Hepatitis and succeeded in transplanting it on animals.

"It is necessary to make experiments on human beings in order to determine the fact that this Virus is indeed the effective Virus Hepatitis epidemica. The plenipotentiary for research Council therefore addressed himself to me with the request to carry out the above experiments.

"I am asking you to obtain authorization from the Reichsfuehrer SS to carry out the necessary experiments on 20 suitable prisoners who have hitherto never suffered from Hepatitis Epidemica, at the typhus-experimental station of the concentration camp Buchenwald." signed Krugowsky.

Q. Now, Doctor, is that your signature?

DR. FLEMING: Mr. President, I object to the submission of this document. It has no date, and it has no journal number. I should like to see the original.

MR. HARDY: The original has a date on it, Your Honor.

(To Page) Will you kindly get the original from the defendant?

This document is an official German document, Your Honor, certified in the same manner as all others that have been introduced in evidence.

Obviously, the German mimeograph doesn't have the date on it.

DR. FLEMING: The original has a date. Yes, it was just not copied.

THE PRESIDENT: What is the date?

MR. HARDY: 27 January 1945, Your Honor.

BY MR. HARDY:

Q. Now, Dr. Bruggewsky, is that your signature on that document?

A. It is my signature and I can tell you the following about the document.

Q. Just a moment, Doctor. I asked you is that your signature? Yes?

A. Yes, it is my signature.

Q. Now, the Plenipotentiary for Research in Epidemics in the Reich Research Council was Schreiber, was it not?

A. Yes.

Q. He addressed himself to you with the request to carry out the above experiments, did he not, according to this letter?

A. He did not talk to me about the matter. He sent me a letter, and the contents are more or less copied here. I may point out that this letter was written on the 29th of January, 1945. This indicates that it has nothing to do with the experiments which are the subject of discussion here. They took place earlier. It has nothing to do with the Haagen case or the Dohmen case. In this case, twenty prisoners were to be used. Dohmen used eight. It was at the time when there were quite definite directives from the Reich Fuehrer on the assignment of prisoners. You know that only the Reich Criminal Police Office in Berlin could make such assignments, and this office was in charge only of professional criminals. It is true that I wrote this letter and suggested this assignment, but in January 1945 nothing was done about it. This letter has no connection with any of the experiments which are the subject of this trial. Above the address it says "Re: Consent for a series of experiments". There is no reference to any previous correspondence. If that had been the case it

would say "Reference" and then the number of an earlier letter or something.

Q. Let's go on now, Doctor, to another subject.

Were you in charge of the rationing of Zyklon B gas to concentration camps?

A. No. It was issued by the Central Medical Depot of the Waffen-SS.

Q. Now, do you know that in Germany the use of Zyklon B for the purpose of combatting dangerous animals and plants was generally prohibited as set forth in the Reichsgesetzblatt dated 8 February 1919?

A. Yes, that is true and because there was this governmental ruling we, in our disinfection school, had special courses for the use of highly poisonous gasses for delousing clothing. There was a school for disinfectors and, in addition, these people had to take an examination to obtain the state certificate for poison. Prussic acid was used for disinfection use only by state approved disinfectors who had special permission from the state to work with this Zyklon, and the disinfectors who had this poison certificate had the permission and had had previous training so that they knew how to use the preparation. In all the larger cities and at troop maneuvers places we had arrangements for prussic acid disinfection as well as in the big prisoner of war camps of the army. That was the most customary procedure in Germany.

Q. Now, of course, there was a German regulation existing which prescribed in extraordinary cases when the use of Zyklon and similar materials were permitted that these poisons were always to be mixed with an irritant in order to warn human beings and to avoid danger. Was that right?

A. If you mean the following: Prussic acid has no odor or, at least, very little, and a special substance was introduced into the prussic acid compounds so that it could be smelled. In this form it was used, and in this technical form it is not called prussic acid - that is a chemical - but it is called Zyklon B.

Q. Now, that special substance mixed with it, is that "Rainstiff" or "Karnstoff". Is that right? Was K A S T O F F ? Is that the word you used?

A. Karnstoff, yes.

Q. That can be translated as an irritant?

A. It is to warn human beings to watch out. "This is poison". Otherwise, one would simply breathe it in without smelling it.

Q. Well now, this Zyklon B that you used in your delousing program, is that how this irritant mixed in it?

A. Yes; only the official tin containers of a certain size were used. They were delivered by the competent Reich committee; and it always contained this Warnstoff without which work would have been very dangerous, in spite of gas masks.

Q. Now, was it necessary to carefully label the can of gas so that it would be obvious that this gas contained such an irritant?

A. It was not like a water or a greasing can, but it was a very special kind of tin can which had a label from the firm which had produced it with a colored sign. I never saw any other cans without this sign. Only the original cans from the firm were used, as far as I know.

Q. Well now, do you know whether or not the containers in which the Zyklon B was in In other words, do you know whether the containers with Zyklon B which were sent to the concentration camps for extermination in gas chambers contained the Zyklon B mixed with an irritant? Do you know that?

A. No, I cannot tell you anything about that. Until I was arrested I had heard nothing of this type of use of prussic acid, but here I have seen a document from the investigating judge of the SS - Dr. Jergen, who investigated these things in the concentration camps and he testifies that for Auschwitz, prussic acid came from a certain firm in Hamburg - Stolzenberg and Company, a chemical firm. I didn't know that this firm had anything to do with the production of prussic acid. I knew only three firms which did not include Stolzenberg and he describes a case - and this is why I remember it - a case where a certain prisoner sent the empty cans back to the firm and he also sent back a full one or a half full one which had not been used. That was, of course, very dangerous and that is why I remember the matter. Whether they contained an irritant or whether it was the preparation Zyklon B, I don't know, and this preparation was not issued by the Central Medical Depot.

Q. Well now, this gas that Dr. Margen mentions coming from Stolzenberg and Company, he mentions that as being the gas that was used in the extermination chambers, is that right?

A. Yes, as he told me.

Q. Well now, the gas that you used in Calousing was obtained from Tesche, Stabenow, Degesch and another firm, is that right?

A. The procedure was as follows: In the Reich, that is not including Austria and the Sudetenland and the Protectorate, there were only two firms of this kind. The Henschel Company, Tesche and Stabenow, and Hord and Linder in Frankfurt. The RSHA divided the Reich into the districts under each of these firms, and later there was another firm in Bohemia and there was a firm in Berlin. From a special company they received their instructions, as far as I know. That was the Deutsche Gesellschaft für Schnelllingsabkämpfung, which came from the German company for gas-killing pests and was abbreviated as "Degesch". This Degesch was a constant for building Zyklon chambers for Calousing clothing and a special procedure had been developed in Germany. We received the permission from this company and I negotiated with the head of the company, Dr. Peters. In the later course of the war, the air war eliminated the producing companies gradually and production suffered and it became necessary to coordinate the need and the materials available. For this purpose, a special committee was formed in the Reich Ministry for Armament and War Production where other such committees also existed. The chairman of this committee was Dr. Peters and this committee saw that the gas was distributed to the individual consumers.

Q. Well, let's get to the things at issue. Now, in connection with the gas that was used we'll say in the Auschwitz concentration camp - this Zyklon B that you used in Calousing was mixed with an irritant. Now, if you accept the possibility that Zyklon B used by Stabenow and Degesch was used in the extermination chambers at Auschwitz?

A. I do not believe so for the following reason: Auschwitz was a very large camp which had twelve such extermination chambers. They had a volume of twelve cubic meters. They were used about fourteen years.

day for that decontamination. One needs a large amount of prussic acid for such constant use, summer and winter. Near Auschwitz I had a hygiene institute, and I know from the head of this institute whom I have applied for as a witness, who is not here yet but he will probably come and be able to testify about this - I learned that these chambers were really in operation every day, but I knew that the need for Zyklon was considerably larger than the amount available. Even the entire amount assigned to the SS would not have been sufficient to cover the need of Auschwitz alone, but there were other consumers also. Therefore, I consider it quite impossible that those quantities which were made available by the Central Medical Dept for decontamination purposes could have been misused for other purposes. And there is no other reason why I think it impossible. That is because the Central Medical Dept sent Zyklon through the Post Sector - that is, through medical channels, while the Post Sector had nothing to do with these extermination matters. I have learned later here that this extermination camp of Auschwitz was not at Auschwitz, nor was anyone had nothing to do with the medical service of Auschwitz. It was near Auschwitz and had a special name but I don't know the name.

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Q. Is the name Kanada?

A. No. It was something else, it was a Polish name, and as far as I know now from the various interrogations and material I have seen from the previous conferences the commandant of Auschwitz was simultaneously with the commandant of the extermination camp; but I know that only from the files which I have seen; I do not know it from my own knowledge.

Q. You didn't supply Hoss with the name?

A. No, definitely not.

Q. I want to introduce Document No. NI-034, which will be introduced as Prosecution Exhibit 468 for identification. Now this is an affidavit by Rudolf Hoss and he states in number 2 and paragraph 2 the following:

"I was commandant of Auschwitz until 1 December 1943 and I testified that at least 2,500,000 victims were executed in the extermination camp in gas chambers and crematoria. At least a further half million people died from hunger and sickness, which adds up to a total amount of about 3,000,000 deaths."

Now if you will turn to the next page in paragraph 5, he states:

"These executions in gas chambers took place during summer 1941 and lasted until the fall of 1944. I supervised, and only the executions in Auschwitz until 1 December 1943. After the construction of the extermination facility in Auschwitz, I used Cyclon B, a crystalline substance, which was thrown into the gas chambers through a small opening. The other extermination camps, Belzec, Treblinka and Sobibor had used Zyklon B. The amount of Zyklon B required between 5 and 7 tons of gas kills each 100 prisoners. The amount of gas required for the gas chamber in the weathered building, there is: 2 to 3 tons of gas required in cold and bad weather."

"A constant amount of Zyklon B was supplied until 1944. In 1944, the gas chamber was replaced by the gas chamber. The gas chamber was used for the extermination of victims in the gas chambers, which were

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there from the original Polish artillery company. The gas came from the firm Tesch & Stoblen, International Industrial Company, Ltd., Hamburg. The technical representatives of this company were present at the camp to carry out the disinfection of the buildings, whereby they applied most carefully all measures of security in order to prevent accidents.

"Zyklon" is used for the gassing of human beings in Auschwitz was also later procured clandestinely and exclusively from Tesch & Stoblen. The cans bore labels which were identical with the upper one shown to me in Document No. NI-032.

"In 1942 and 1943 it happened that Tesch & Stoblen could not make deliveries of gas because of difficulties in railway transportation. For that reason we sent our own trucks to Brest to fetch the gas ourselves. As has been informed to the Commission by the witness, the firm Tesch & Stoblen in plants near Brest. Our trucks were manned by SS people. The trucks had an SS number and a tactical sign consisting of a triangle pointing upwards in which the initial of the respective concentration camp, in this case the letter "A" was set. I believe that only insiders could have known that the sign identified concentration camps. Until the end of 1941 or beginning of 1942 the camp management had ordered the gas directly from Tesch & Stoblen. From that time on Dr. Mergesky, the deputy for Hygiene for the Reichsfuehrer SS ordered gas for all SS organizations and installations. He was also responsible for supplying the gas. In this way it was Dr. Mergesky who ordered delivery of the gas to be used by the main building of Birkenau from Tesch & Stoblen."

Did Dr. Hoess order him to do so, Dr. Mergesky?

A. No, Dr. Hoess says here and also that is not true. This thing was shown to me in July in an interview with me. I denied this at the time and since that time I have tried to show my point of view. I have shown some documents and we have a file in reserve, which will probably be shown in the next few days, they are quite clearly with what we are stating.

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on the prussic acid question as for what purpose and what amounts we received. The competent people have testified here that such a connection with prussic acid and with the extermination of human beings did not exist. On rationed material only those amounts were allotted and approved by committees which could be justified. The need was calculated primarily according to the number of (Zyklon installations), that is extermination chambers, especially for camps which existed in the camps. From observation and from information from other people I know that wherever such chambers existed they were constantly in operation for the usual purposes. If the local people in any case took those small allotted amounts for other purposes, I cannot say anything about that, for which I am not responsible. In any case, I can say quite definitely, first, that I did not discuss this matter with Hess and I did not correspond with him on the subject or my deputy of him. Secondly, that neither I or any member of my staff had any such official connection. Thirdly, that I myself learned of these extermination camps only after the collapse. I was utterly not shocked about this.

As I told you during the interrogation, I was at Auschwitz once or twice in the earlier years and I had never seen any such installations or anything which might give rise to suspicion. I can explain that now because I was only in the camp itself, but not in the extermination camp, which was at a different location in the camp as it so well is. This way I had no knowledge whatsoever about these matters.

Q. Let us now go back to the question of the diary; if I understand you correctly from your defense counsel, it is your contention that the diary is a fake and a fraud; is that right?

A. The diary is a fake diary, but for a purpose which I cannot understand it was written by someone else; but it is a forgery.

Q. Just a moment, we will call it a fake book; is it still your contention that it is a fraud and a forgery?

A. I understand that this book has no value as a record, it was a fake book.

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regularly and so early that it was written subsequently for a purpose in this present form.

Q. Just a moment, Doctor. You stated in your opening statement that the Ding Diary was a fraud; is that your contention?

A. Yes.

Q. Can you tell me who you think perpetrated this alleged fraud?

A. It is my opinion that this fraud was committed in the case of Buchenwald.

Q. You don't deny that Ding's signature appears on the pages of this diary; do you?

A. Ding's signature is on it.

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Q Just what portions of the diary or notebook or whatever you wish to call it do you consider to be manufactured evidence?

For instance, your defense counsel and yourself contest page Number 1, Page Number 12. Just what portions of that diary do you consider to be a fraud?

A I would say that first of all according to the opinion of the two writing experts Page 1 was inserted later. Second, I believe it is Page 13, which was also inserted later and has no connection with the handwriting or the signature of the proceeding and following pages. The whole diary up to about June 1943 was written all at one time; nearly two years were written down all at one; and, of course, one cannot call that a diary.

Q Now then, you do admit for the most part that the diary is correct and accurate, don't you?

A I can't say anything definite about that, for I don't know the material; but I think that tomorrow we will have definite information about that.

THE TRIBUNAL (JUDGE SEBRING) : Where is the First Diary in the English Document Book? I have forgotten just at the moment.

MR. HARDY: It starts on Page 39 of English Document Book Number 12, which is Exhibit Number 12. Which is Exhibit Number 237.

Q Now, let us have a matching contests, here, Doctor MR. HARDY, I request Dr. Fleming to supply Dr. Mruskowski with Document Book Number 1 of Mruskowski. Your Honor, if I may at this time ask you Honors to bear with me and turn to Page Number 39 of Document Book Number 12,

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the English. That's Prosecution Document Book Number 12, And I also ask you to turn to Page 86 in the Mrugowski Document Book Number 1, Page 86.

Q Now Doctor, you have the German Document Book. Would you kindly turn to the entry which is included under 6 January 1942 to 1 February 1942, which is entitled "That is the Diary. Now, in the diary we have therein the following;

" Execution of vaccination for immunization for spotted fever, using the following vaccines:

"1 . Thirty one persons with Weibel vaccine from the intestines of 11 of the Institute for Spotted Fever and Virus Research at the Supreme Command of the Army OKH, Cracow.

"2. Thirty five persons with vaccine made by the process Cox, Gildemeister, and Haaren.

"3. Thirty-five persons with vaccine Behring-normal, one also bled to 450 c.c. vaccine, mixture of 70 per cent Rickettsia Mooseri and 30 per cent Rickettsia Prowazeki.

"4. Thirty - four persons with Behring-normal, Behring-strong (stark), one also bled to 250 c.c."

Now, if you will turn to your Document Book Number 1, which is on Page 86 of the English and is your Exhibit Number 20, Mrugowski Document Number 20. This is the report which was sent by you which was introduced here in evidence by you, dated 5 May 1942. Now, these entries in the diary concern research Series Number 1; and they were completed on 19 April 1942; and the date of the report signed by you is 5 May 1942. Now, these dates coincide, don't they? Yes or no.

A The report of the 5th of May is the one about the

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typhus series 1, yes.

Q That's right. Now in that report the text starts out, "The tests of four typhus vaccine made by us on human subjects at the instigation of Reich Health Leader Dr. Conti had the following results." The you list four vaccines. The following have been tested; A, B, C, and D, which are identical to the four vaccines explained in the Ding diary; are they not, under the research series Number 1, identical language as well as identical vaccines?

A Yes.

Q Now, in addition it states in the Ding Diary Number 5, ten persons for control. Do you see that, Doctor?

A Yes.

Q Now, it states under the entry 19 April 1942, still under research series Number 1, in the Ding diary, "Five deaths, three under control, out of ten, according to the Ding diary, is that right?

A Yes.

Q That's thirty per cent, isn't it, three out of ten?

A No, five deaths from 145 people.

Q No, pardon me, there were ten persons for a control group; out of the control group three or three died. That's thirty per cent of the control group, isn't it? Is that right according to the Ding diary?

A I misunderstood you, yes.

Q Now, will you turn again to the exhibit which you

offered here in evidence as Brucowski Exhibit Number 20, which is on Page 47 of the English under Section II, Results of the Experiments, (c) Preventive effect of the vaccines. "In the case of sick persons before a typhus epidemic who have not been vaccinated, the average duration of fever has been calculated to be 17 days. The metabolism of the nervous system was considerably affected. The mortality was around 30 per cent."

Q. That coincides with the Ding Diary, doesn't it?

A. Yes, certainly. This is a report in Ding's Series I, that's what I always said. Of course they would be the same.

Q. In the report it also says in Page 56 of the Section 3 that one person died from Behring-serum and one person died from Behring-streptococcus; and it also states in the diary that two persons died from Behring-streptococcus and one person died from Behring-serum, doesn't it?

A. Yes, that's right. The same figures have to occur, of course. It is the report on the series of experiments.

Q. That's right. Now, it's obvious that your report contains the information in precisely the same manner as it is contained in the Ding Diary; isn't that right?

A. Yes, that's right.

Q. Four vaccines, two deaths; thirty persons in the general group died?

A. Yes.

Q. Now, as far as this report is concerned, in Exhibit Number 20, you would find the English translation of Brucowski's German report, the "Report on the Typhus Epidemic in the Army."

A. Yes.

Q. In a manner that would be verbatim. Isn't it a little fantastic, Doctor, in view of the fact that your secretary at the time all reports went through you before they got to Giesecke, and as is shown earlier in this cross examination, all reports which were in

evidence here, that were submitted by Ding were addressed to Szymonsky?
Now, I call your attention to the fact that on your distribution lists on P. c 36 of the Exhibit in this report dated 5 May 1942, it is addressed to one Reich Leader, Dr. Conti, Berlin, Tiergartenstrasse. How did you happen to send it to Conti?

A. Conti caused it as the document shows.

Q. Well, then you don't exclude the possibility now that Dr. Conti was at the 29 December 1942 conference outlined by Ding, do you? You are reporting on the first experimental series conducted by Ding.

A. That Conti was present at this conference on the 29th of December is not true. We have three documents about this discussion, and not one of them says that Conti was there. It always lists the same people but never Conti. Only Bieber says -- and it was unquestioned so -- that this discussion was held at the instigation of Conti; and from this document we see -- and that is the reason why my defense counsel submitted this document -- that I did not instigate it.

Q. Just a moment. I'm talking about the conference that you held in Schreiber's office as outlined by Ding and admitted by you as having been there with Schreiber and Gildensister, Ding, and yourself in an interrogation, and now locating it here in a cross examination to be only Schreiber, Gildensister, and yourself.

Now, why did you send this report to Conti, inasmuch as it was the first experimental series of Ding? He was not Conti's subordinate? Why was Conti interested in this?

A. Because Conti instigated this series of experiments. Look at the first sentence of the document. It says on suggestion of the Reich Health Leader Dr. Conti, that he is the man responsible.

Q. And Ding states that Conti was at the meeting wherein it was been established that the need existed to test the efficacy of the resistance of the human body to the spotted fever serum extracted from cow yolks; since tests on animals are not of sufficient value, tests

on human behavior must be carried out. Addressing this report to Conti fits pretty well into the Ding Diary, doesn't it? As a matter of fact, it coincides, doesn't it, Doctor?

If Ding talks about the conference on the 29th of December 1941 we know today from the evidence that his statement is untrue and that Conti definitely was not there; but if Ding is talking about some other conference, then, of course, it may be. I don't know what conferences Conti held. I have no idea. I had no official relations with him. At least on the 29th of December Conti was definitely not there; and Ding made a false entry, probably on the basis of misinformation. I don't know where he got the information.

Q. Well, now, going back to this report of yours, the second person that it is addressed to is the Reich Physician SS and Police Grawitz, Berlin, and Grawitz according to you assigned you the task of writing them. Why did you address him as a subsidiary addressee?

A. Yes, that is the distribution list, and every single letter that was sent out had a notation for the information of other people to receive the letter and to have the information of all who had received it, since this letter concerning Grawitz primarily, of course, he had to get a carbon copy, and I already told you that it is my opinion that those experiences - these costly experiments - had to be given to the people who had official connections with the subject, and that is why there is such a long list of six persons to whom the letter was sent.

Q. Doctor, this is from the report of one Dr. Joachim Krugowsky. Why did you prepare it for the signature of Grawitz if he assigned you the task of re-writing Ding's report so he could present it to other people in a more presentable manner? Why did you write it over your name and then address it to Grawitz, when you could have sent it to Grawitz for his signature, and had him address it to the original addressee? Is that a fact of an experience you could lose sight of, doctor?

A. That would have been quite possible.

Q. I think so.

A. That I had agreed with Grawitz with the work, that was not so. Grawitz had his associates sign all the letters with Reich Physician SS and Police, and it was signed "AB" which means "by order" (auf Befehl), or else the office of the SS-Fuehrer is mentioned, as in this case, and then it was written SS Chief Hygienist, and that is only signed at one end, ~~that is~~ without the notation "by order", and then one had to send a copy to the Chief Hygienist for his private files.

Q. I won't labor on this point any further, doctor. You will notice on page 89 this signature on the page, and in this document there is no word there that states "by order". It is just signed "SS

Obersturmbannführer", is that right?

A. No, that is not right.

Q. Then this page is incorrect, is it?

A. It says that "by order". It just said signed "Krugowsky".

Q. That is signed "Krugowsky", not "by order"?

A. And it had and was that because the heading is "SS Chief Hygienist".

Q. Why did you send a copy to Gensken, your big chief?

A. In this case I was not writing any letter as Gensken's subordinate but as subordinate to Grawitz, and on his behalf as the heading shows, and the Waffen-SS which used to send vaccine was, of course, quite interested, and in order to have it in the record for researches. That I should like to say that Grawitz himself personally did not receive this letter, which remained in the files of Office 18 until the end.

Q. Now, Doctor, after these people received this letter or report there, six people received it, namely, Conti, Grawitz, Gensken, Gildenmeister, Geyer at Krakow, and Demits at Marburg. After they read this report that two people had died, did you have any repercussions therefrom?

A. I did not understand the question.

Q. After these people received the reports, did they make inquiry as to these two deaths that are mentioned in this report?

A. No, and that was not necessary because it said here somewhere that the vaccine was used during an epidemic, and on page 87, under 2-B, it says in the first paragraph, in the case of sick persons during a typhus epidemic etc., then at the beginning of the next paragraph, during same epidemic four groups of experimental subjects be vaccinated. That is rather a formulation and it was quite probable. Here the people did not realize that this is an artificial infection. That since the death rate of thirty percent was quite usual at that time in epidemics; later it was lower, but in the beginning it was thirty to fifty percent.

Q. Of course, you do assume that actual research series, one of Ding's, which is comparable to this report, was performed on artificial infected persons for the control group, isn't that? According to Ding's diary?

A. I never denied that, and I have explained carefully that at the beginning of this series was the reason for my objecting to Grawitz.

Q. Was it customary for you, whenever you addressed a report to a man like Grawitz, Reich Physician SS and Police, you lied, and that this was the result of typhus epidemic, and when you put out these things you were lying to them in your reports?

A. No.

Q. Now, Doctor, in regard to this report on this, you have stated on direct examination that you can furthermore justify it inasmuch that Dr. Kagon testified here in this courtroom that the subject used in the first two series of experiments were volunteers. Now I am to correct you on that point; that Dr. Kagon stated as follows on that occasion: "Selection of experimental subjects was not the same at different times, and in the very first period the inmates of the camp were called upon to volunteer. They were told it was a harmless affair and as a benefit they would get additional food. After one or two experiments were conducted, it became impossible to get any volunteers whatsoever," and then continuing on to say you should select the larger numbers. Now Conti mentioned one or two experiments, not one or two series of experiments, wherein over one hundred people were used. He did not say "series", did he?

A. No, it is exactly what I meant. If you will look at the diary carefully, you will see on page 1 preliminary experiment "A" is discussed. That would be the first experiment according to Conti, and it shows that no one could go to the section, was not possible, it said, and then there could have been no suspicion whatever because nothing came to the people. The second series began on the next day, on 6 January 1942, that is not preliminary test "B", it was the second. That began on 10 January, four days later. The next experiment series is series one, of the 145 people, it can be by themselves, the second series, which you mentioned, and since they were volunteers, that was the first time that

diarrhea occurred.

Q. Then you say that Conti meant these 145 people used in the research series one who volunteered, is that right? Is that your confirmation of the Kogen testimony?

A. That is how I interpret Kogen's testimony, yes.

Q. Well, we will have to bring Dr. Kogen back again. As you stated, yesterday that only since possible to experiment on volunteers, they could not get any more, do you know anything about that?

A. No, I would have to read it up.

Q. Now, Doctor, let's pass on to page 42, Ding's diary, which would be in the German copy 10 January 1943, which is rather out of order, you will find it has to do with yellow fever vaccine tests. Now, Your Honor, do you have that, page 42 of Ding's diary. Now you stated on direct examination that these were tests of vaccines and not experiments. That is what is mentioned here under the date of 10 January 1943, is that correct?

A. Yes, it is a matter of vaccine.

Q. Further you said on direct examination, I suggested the same to Grawitz and that Grawitz ordered it, didn't you?

A. Yes.

Q. Well, now, if that is a fact merely it is a harmless test and not experiments, that you stated, why did it become necessary to resort to the Buchenwald Concentration Camp for this work?

A. These tests could have been conducted on soldiers just as well. Such tests actually were made on thousands of soldiers. They were not really experiments, only tests of the most harmless nature. In the period of preparation for the campaign in Africa, the training period of the soldiers was so full of physical effort that they could not be put under medical observation for several days because it would be impossible because of some of their training. That was technically impossible. That was the reason why the experiments were conducted in concentration camps, and according to Ding's affidavit the subjects were volunteers, and as a re-

ward they did not have to work for four weeks. That was not possible with the recruits, but that in a concentration camp it was quite possible.

I was always of the conviction that these harmless things which made you a temperature of 37.5 degrees, just slightly above normal temperature, one was more doing the prisoners a favor than anything else they didn't have to work and because they got better food.

Q Ding states here in the diary as follows: "At the Behring Works, Harburg/Lahz, Robert Koch Institute, Berlin, at the Institute of Virus Research of the Supreme Command of the Army in Gracow were commissioned by the Supreme Command of the Army to manufacture yellow fever vaccines for collaborators. Since the live virus is being handled, for safety's sake from each vaccine change a test is to be performed on five persons. It isn't harmless language, is it?

A The language is wrong.

Q Well now, were those matters of any interest to Walter Schreiber, let us say, that is, in his position as plenipotentiary for epidemics and as chief of the Medical Academy?

A I believe Schreiber obtained his position only in 1943. That was in January, 1943. As far as I remember he obtained that position in July or August of that year.

Q Then his position as consultant to Handloser and as Chief of the Military Medical Academy, were those matters as alluded here in the Ding diary of any concern to Schreiber? It states here they were in receipt of the Supreme Command of the Army in Gracow and was commissioned by the Supreme Command of the Army at O.K.M. which would be Handloser and Schreiber, whichever it may be. Was it Schreiber, I am asking you?

A No, it wasn't like that at all. That was purely an SS matter in the preparation for the commitment of troops. To what extent the army, which had already produced such things in the O.K.M. Institute at Gracow, to what extent the Army made similar tests, I don't know. At least as far as I remember I did not send the report on the tolerance to Dr. Schmidt, an associate of Schreiber, but I always considered it a matter of authenticity. The doctors who would later have to work with the matter therefore had to be trained technically.

Q Well now, did you in your organization have any sort of a working agreement with the Army for testing of yellow fever vaccine, that is for the O.E.H.?

A I don't know what you mean.

Q Well, did you have any sort of arrangement whereby the Army, if they decided they were going to use a particular vaccine, would send it to you to test it to be sure that the vaccine was in order so that they could then inoculate their troops? In other words, did you act as a testing agency for the Army?

A For yellow fever? It is possible that it was discussed, but it is not so that part of all the production numbers were tested here. These were merely the fractions which were later to be used by the Waffen S.S. There were several divisions. A division has 20,000 men so that means quite a lot of vaccine.

Q What I am getting at, Doctor, Ding says in his diary the results of the yellow fever vaccine tests were to be sent to Department 15, that is your department, in the SS Fuehrerhauptstadt in duplicate, one forwarded to the manufacturer and one to the Supreme Commander of the Army, to Major Dr. Schmidt, Army Medical Inspectorate. Now, did you have some sort of working agreement to test vaccines for the Army?

A As far as I recall one was sent to the producer so that he would be informed, and the second was for us.

Q Doctor, please answer my question. Don't explain that entry. Did you, from your knowledge, ever have a working agreement with the Army to test vaccines for yellow fever at Buchenwald?

A I told you it is quite possible that it was discussed, that we were going to test the vaccines in the form we have here. That is possible. But any binding agreement that every vaccine was to be tested, no, I know nothing about that.

Q Did you ever talk to Schreiber about that, did Schreiber ever ask you, Krugowsky, "Can we have you test all these vaccines for us in your institute at Buchenwald?" Did Schreiber ask you such a thing as That?

A. No.

Q. Did you ever talk to Schreiber about testing vaccines for the Army at Buchenwald?

A. It is possible that I once discussed the execution of these vaccines in Buchenwald with Schreiber, but I cannot say definitely at the moment.

Q. According to this Ding was testing them for the Army as the reports were to be sent to the Army. Now, did these organizations contact Ding, Dr. Ding without referring to you, is that what you want us to believe, that it is possible that Ding did this without referring to you at all?

A. No, it is my opinion, or as far as I remember, I told Grawitz that it was necessary to test their technical applicability. I said that it would be good if Ding could work on it and learn something about it, and that was how the matter came up. I never heard of Ding's negotiating with the Army. I don't think that he had an opportunity to.

MR. TURNER: May it please your Honors, it may be necessary for me to use another two or three minutes to complete the term of this subject, and I request to be allowed to go overtime.

Q. Well now, did Gildemeister ever talk to you about these problems, yellow fever testing of vaccines? Do you know whether or not Gildemeister--

A. I certainly never talked to Gildemeister about it.

Q. Did you ever hear or do you know as a fact or did you hear it at my conference or did you receive correspondence to the effect that Gildemeister had performed experiments on human beings to establish the usefulness of yellow fever vaccines, that is any place, in his institute on volunteers, or any particular phase of experiments, exclusive of concentration camp inmates?

A. No.

Q. Did you ever talk to Schreiber about testing vaccines for the Army at Buchenwald?

A. It is possible that I once discussed the execution of these vaccines in Buchenwald with Schreiber, but I cannot say definitely at the moment.

Q. According to this Ding was testing them for the Army as the reports were to be sent to the Army. Now, did these organizations contact Ding, Dr. Ding without referring to you, is that what you want us to believe, that it is possible that Ding did this without referring to you at all?

A. No, it is my opinion, or as far as I remember, I told Grotitz that it was necessary to test their technique and applicability. I said that it would be good if Ding could work on it and learn something about it, and that was how the matter came up. I never heard of Ding's negotiating with the Army. I don't think that he had an opportunity to.

THE HONORABLE: May it please your Honors, it may be necessary for me to use another two or three minutes to complete the term of this subject, and I request to be allowed to go overtime.

Q. Well now, did Gildensister ever talk to you about these problems, yellow fever testing of vaccines? Do you know whether or not Gildensister--

A. I certainly never talked to Gildensister about it.

Q. Did you ever hear or do you know as a fact or did you hear it at any conference or did you receive correspondence to the effect that Gildensister had performed experiments on human beings to establish the hardnessness of yellow fever vaccines, that is any place, in his institute on volunteers, or any particular phase of experiments, exclusive of concentration camp inmates?

A. No, I only know that the Robert Koch Institute, that Gildemeister was producing yellow fever vaccine shows from this entry in the diary. I didn't know about it. I had no very close contact with Gildemeister myself, and I didn't know what work he was doing. Of course, I know that he was working on viruses but which virus I did not know.

Q. Well now, did the Behring-Werke ever send any sample batches of yellow fever vaccine directly to you?

A. I don't believe so. The packing which Dr. Schmidt described with a long neck, I never saw that myself. I would have had to see it, wouldn't I? Therefore, I don't believe that the vaccine was sent to me. It was probably sent directly.

Q. Well now, did the Behring-Werke or Schmidt or you supply Ding and his deputy, Boyen, here with these yellow fever vaccines to test in his institute, you supplied Ding with these vaccines so that he could make these tests as outlined in his diary. Were they sent to you and then forwarded to Ding, or were they sent directly to Ding, or were they forwarded at the institute in Gießen, or were they forwarded to the Military Medical Inspectorate? How did he get them?

A. There were two possibilities. Presumably, as in other cases, Ding went to the Robert Koch Institute and the Behring Werke, personally wrote to them or telephoned to them and asked them to send such and such quantities, and he probably got this vaccine of the O.K.H. through the Central Medical Depot of the Wehrmacht SS, which in turn probably got it from the main medical depot of the army.

Q. All right. Doctor, you state that you didn't know of any working agreement with the army to test vaccines, is that right? Think hard now.

A. It is possible that you could call this a working agreement. I would not want to deny that categorically. It is quite possible that we discussed it, this testing.

Q All right then, did you ever agree with Schroeder that you would take care of the testing for him in your organization? Yes, or no, Doctor? You can answer that yes or no.

A In this form, no, but in another form I agreed with him that for our troops or divisions we were going to test vaccine. We were interested in that. For the other vaccine of the army we did not interest and it is that that was sufficient for Mr. Schroeder, for if these tests were all right the assumption can be made that the rest is all right too.

Q Well, Doctor, you make this examination most difficult with this inconvenient memory you have. I want to show you a document now, No. 1306, which will be offered for identification as Prosecution's Exhibit No. 469. Now, this document is dated 8 January 1943, five days before the entry in the Ding diary of 10 January 1943 concerning yellow fever vaccine tests. The further we go along, Doctor, the further your presumption or conviction that the diary is a fraud is being rebutted, you will notice.

This letter is dated 5 January 1943, to SS Standartenführer Dr. Mrugowsky, Director of the Hygienic Institute of the Waffen SS:

"My dear Dr. Mrugowsky:

"We have been informed by Oberstarzt Dr. Schreiber that every batch of yellow fever vaccine must be tested on human beings before it is given to the Army. Since we have to deliver 30,000 doses of yellow fever vaccine to the Medical Inspectorate in January, there will be a series of batches during January, which are to be tested on human beings. Oberstarzt Dr. Schreiber has told us that in the future the tests on human beings will be made through your office. We will therefore permit ourselves to send you, at certain intervals, samples of the various batches. We request information as to whether we also have to send the future batches to Dr. Hoven at Buchenwald.

"We suppose that also the tests on human beings by President Gildemeister occur in the main for the purpose of establishing their harmlessness. Accordingly, it should be possible to let us know the test results 2 weeks after the samples have been received at the Institute.

"We thank you very much in advance for your trouble and remain with

Heil Hitler

I. G. Farbenindustrie A. G.

Dept. Banning works Korbach."

Do you remember receiving that letter, Doctor?

A Yes, I received that letter. One can understand the events only in connection with the strategic use of the divisions which was intended at the time.

There is danger of yellow fever only in Central Africa. Only those had to be vaccinated who would advance into this region. According to this operational plan those were the two divisions of the Waffen-SS which were near Tunis and were to advance towards Dakar. They had to be vaccinated and equipped first. Therefore, in connection with the preparation for this action it had been discussed that the divisions of the SS were to be given preference and were to be equipped with all necessary things. That is, clothing, food, vaccinations, etc. As this letter shows, we were to receive the first batches of production from the Behring works. That 30,000 doses would not have been sufficient for our needs. Two divisions are 40,000 men and a few of these were to be tested for tolerance, etc. That was purely a Waffen-SS matter.

Q This document does indicate that your organization had a working agreement with the army, doesn't it? To test the vaccines?

A No, in this general form that is not correct.

Q That is not the question, Doctor. This document does indicate that Dr. Schneider stated the tests for yellow fever will be made through your organization. Doesn't it state that?

A Yes, we were interested in those which were to be tested. That was an SS interest. On the other hand, we were used for the army in connection with General Ar and Rodenwald. That explains the matter.

MR. HADY: This is a good breaking point, Your Honor. I have still further cross examination remarks.

THE PRESIDENT: The Tribunal will be in recess until 9:30 tomorrow morning.

(A recess was taken until 0930 hours, 3 April 1947)

1947

3 April-35-JF-1-1-Cook (Int. Von Schöen)

Court I

Official Transcript of the American
Military Tribunal in the matter of the
United States of America, against Karl Brandt,
et al., Defendants, sitting at Nurnberg, Germany,
on 3 April, 1947, 0930, Justice Boyle Presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. We have the United States
of America on this honorable Tribunal.

There will be order in the court room.

THE PRESIDENT: Mr. Marshal, have you ascertained that the defendants
are all present in court?

THE MARSHAL: Yes it please; all defendants are present
in the court.

THE PRESIDENT: The Secretary-General will note for the record the
presence of all the defendants in court.

Dr. August Hugeney - Resumed

CROSS EXAMINATION

BY MR. HADLEY:

Q. Dr. Hugeney, after the completion of the series of experiments,
Dr. Dingeldey reported at the medical conference at the Military Academy
in Berlin in May, 1943. This report contained the results of his ex-
perimental work. It was given before Hess, Meyer, Schneider, and others,
and others. Now, can you more specifically tell us who was in attendance
at that meeting?

A. At this session of the third section of the consulting physicians
there were about thirty or twenty five persons present. They were
physicians from the Army, also members of the Waffen SS, that is those
who had taken a lecture, and I believe there were a few university
professors, but they were not in uniform.

Q. Now, who was there?

3 April - J1-1-2-Clark (Int. Van Sledright)

Clark:

Q. Professor Byer was there?

A. Byer was there too, yes.

Q. Was Schröder was there?

A. Schröder was in charge of the meeting.

Q. He was the chairman of the meeting?

A. Yes.

Q. And now of this meeting, the only topic which was discussed was the work of Dine at Buchenwald?

A. No, it was quite an extensive report. Dr. King's report was one of many. It lasted perhaps a quarter of an hour. The report of the meeting was brief and short. I believe you have submitted it as a document. It is a very short speech.

Q. Will you Dine tell us how the effectiveness of the four vaccines didn't he?

A. Dine said about the effectiveness of, I believe, it was six vaccines. There is clearly shown by the report of the meeting. I don't tell you anything from memory.

Q. Well, did Dine make it very clear that the experiments were being conducted in the Buchenwald Concentration Camp?

A. No, he didn't say anything about that. The lecture was similar to the report which I reviewed on the 5 May 1942. It was not necessarily a statement about the experiments. That is all that can be said only from Professor Rasse's objection.

Q. Well, couldn't any intelligent doctor sitting in the audience have realized how they conducted these experiments?

A. No, certainly not.

Q. Well, how did Rasse happen to object?

A. He was informed of it at the lecture. He had visited Buchenwald himself. He said that such was important about the series of experiments in themselves. That Dine had told him of it, was a question. Also, the

Chart I

comparative observation of the patient in the sick bed.

Q. Well Schreiber knew about it, didn't he? He could have undertaken it from the meeting.

A. I can't tell you, after Rose had spoken and after Ding had answered briefly, Schreiber commented more or less to the effect that the last questions were not up for discussion. That this question had been settled by very high government authorities. These were not his words, but that was the sense of his words, and he didn't want this part of the discussion to be put ahead in the record. There was no objection, and it was not recorded.

Q. Well now, doctor, will you tell me what Rose had objected?

A. I was there myself. I heard it.

Q. You heard it?

A. Yes.

Q. Do you recall on November 1, 1946, when asked by Mr. Holladay and myself whether or not anyone objected at this meeting in May, 1943, that is, at the meeting at which Ding reported on his activities and experiments, and you said: "None"?

A. I don't imagine that. If I said that I didn't understand your question.

Q. All right, I will call to your attention that a day or two previous to that, we had interrupted Rose to great length, and we asked you whether or not anyone objected, whether or not anyone was strenuously against the work as outlined by Ding, and you said nobody said a word. Do you remember that?

A. Yes, and that is quite true. Nobody had any objection to the paper which Ding had written, but that was something else than the speech which we were just talking about. I shouldn't confuse that.

Q I am not confused a bit, Doctor; you were very clear in that interrogation and I have to introduce it into evidence here in a few days. You were very clear in that interrogation that you did not know of any objections, at least you stated that at that time. Now who has refreshed your memory in the meantime, other than Professor Rose?

A As far as the meeting was concerned, I always knew that Professor Rose had objected, but you were just talking about a paper which Ding had written. I assumed that our conversation was about that, and no objection was made to that.

Q All right. You knew that Rose, according to the Ding Diary, had visited Buchenwald prior to this meeting, that is, in about April of 1943. The meeting was in May. Pardon me, it was April or May of 1942 that he made his visit.

A Yes, it was a year before.

Q All right, now actually, according to what you have told us before, Rose talked to you about his visit to Buchenwald; didn't he?

A No, I cannot remember it. I don't believe so.

Q Well didn't you and Rose more or less agree in a conversation, or a conference, that the Behring Jerke vaccine wasn't any good and that it was not to be used any further?

A The Behring vaccine was not produced any more before the time of this meeting. I believe that was brought about by the State, by Gildemeister, I believe, who was the competent man in the Ministry of the Interior.

Q Well, now, doctor, regarding the objection of Rose at this meeting in May of 1943, after the objection, it became obvious to all in attendance that the work of Ding was on concentration camp inmates at Buchenwald, did it not?

A Yes. Ding stood up afterwards and made an explanation. He said that first of all these experiments were carried out on criminals who had been condemned to death, and secondly, he said, that the approval,

etc. had been given by the highest government authority, and it is possible that he mentioned the name of Himmler but I am not certain about that. In my opinion this information was absolutely sufficient for those present. Everyone knew that for many decades, in all countries of the world, similar experiments had been conducted on criminals condemned to death. Why shouldn't it be done in Germany, too, and doubtless the audience relied on this information of Dingelde.

Q Well, after these objections, and after it had been explained to everyone at the meeting that concentration camp inmates were being used, did anyone make an attempt to stop further experimentation at Buchenwald?

A I cannot say from my own experience. No one came to me. But I know from Mr. Rose that a large proportion of the audience talked to him about the question of permissibility. He says that, too, in the affidavit which is in my document book. Whether any objection was made to any competent agency, to Gruditz, or to Ding himself, I do not know, but it is possible that something was said to Ding about it, because Ding was quite excited for days afterwards.

Q Well, then, no one at that meeting interfered in the work of Ding or made an attempt to stop it, so that on 27 August 1943, he started another series of experiments wherein 53 of the persons subjected to the experiments died. Is that it?

A I do not know what you mean by "prevent." If a person is to prevent something he has to be in a position to do so. If I learn of some murder, say committed by somebody in a different city, I do not approve the murder, although I am in no position to prevent it, because it has already been committed, and I cannot prevent further murders. The only thing I can do is to refrain from committing murders myself. Not a single person in all this audience was in any position to exert any influence on the course of events. Please believe me that Himmler and Gruditz would not have let anyone interfere in their decisions. It was not so in Germany that everyone could make his opinion prevail. If any one

of the high responsible man had made up his mind, he did not deviate from the orders which he had given. I have a great experience in this field, and rather sad experience, with my superior Grawitz.

Q Well, we won't discuss the authority of Mrugowsky to intervene any further. It is obvious from the orders, from the reports, from the diary, from all this evidence here, that Mrugowsky could have interfered if he so saw fit. We will go on, Spotted Fever Vaccine Experimental Series No. 8. This is on page... You still have the German document book before you?

A No.

Q It will be on Page 19 of Your Honors' Document Book. This is the entry 8 March 1944 to 18 March 1944, pertaining to the experiments with the Copenhagen Vaccine. Do you have it before you?

A Yes.

Q The first entry states:

"Suggested by Colonel H.C. of the air-corps, Prof. Rose (Oberst Arzt) the vaccine 'Kopenhagen' produced from mouse liver by the national serum institute in Copenhagen, was tested for its compatibility on humans."

Now do you know anything about this suggestion by Professor Rose?

A That this vaccine series was carried out supposedly at the suggestion of Mr. Rose, I saw from the document here.

Q Do you know whether or not this entry is correct?

A The fact that the vaccine series was carried out I should consider true. I have no evidence to the contrary.

Q Did Rose ever approach you, to have you order Ding to carry out these experiments, or to have you take care of the matter?

A No. That would have had no purpose. I had no influence on Ding in this respect. I have told you repeatedly how the situation really was. You are assuming something that was not the case.

Q Now suppose Rose actually did suggest experiments be conducted to determine the efficacy of this Copenhagen Vaccine -- would he have approached Ding directly?

A No, probably not. Probably he would have contacted Grawitz.

Q He would never think of going directly to Mrugowsky, Chief of the Hygiene Institute of the Waffen-SS?

A If he had come to me I would have sent him on to someone else. I would have said "My dear man, that does not have anything to do with me."

Q He would not have come to the man who Kogen thought was the Chief of Ding in Block 46, who Ding assumed was his Chief, who Kogen said was chief, who Kirchheimer said was the chief, who you can witness, Dr. Horn, said was the chief of Block 46? Mr. Rose, if he wanted that vaccine tested, would not go to the man that everybody that we have had in this courtroom said was the chief of Ding in his capacity as the chief officer in charge of Block 46 -- Rose would not go to you either, would he?

A Everything that has been said here was not said from the knowledge of these persons, but if you investigate carefully you will always discover even in what Dr. Kogen said or what Dr. Horn said, that it all goes back to one person, that is, the statements of Mr. Ding; and if you question them carefully they all say "Ding told me" or "I heard from Ding." An assertion which is false does not become true by being repeated a hundred times. In my opinion there is no proof whatever for this assertion. It is not a fact, only an assertion.

Q Well, now, doctor, it states here in connection with this experiment of the Copenhagen vaccine that 20 persons were vaccinated for immunization by intramuscular injections and 10 persons were contemplated for control and comparison. Now that means 30 persons were to be used in the experiments, and of course on the next page we see that 6 people died as the result of the experimental series. Now, where were these 30 persons obtained?

A I cannot say in detail, certainly not from the Hygiene Institute of the Waffen-SS. They were from a concentration camp. No member of the Waffen-SS had any influence on the organization of these camps. It was a completely separate organization.

Q Well did you, Mrugowsky, ever write a letter requesting 30 inmates to be used, or 30 subjects to be set aside for Danish vaccine experiments?

A I was not in a position to issue any orders in this connection.

Q I asked you did you ever write a letter requesting that 30 prisoners be set aside for use in these experiments?

A Not that I know of.

Q Did you ever receive a letter stating that the 30 prisoners or 30 people would be set aside, say, for instance, from the man who allocated these people, S. S. Obergruppenfuhrer Oswald Pohl?

A I certainly did not receive any letter from Pohl in this connection. I never corresponded with Pohl.

Q Did you receive a letter from anyone?

A If you mean that a report was sent out about this matter, it is possible that it went through my institute.

Q I am not referring to a report; I ask you clearly and distinctly do you know anything about the selection and allocation of these thirty people who were subjected to the spotted fever vaccine series No. 8, as outlined in the Ding Diary? You know nothing about that?

A I don't remember anything about that.

Q Let us refresh your memory a little bit, we will introduce Document NO-1188, which will be offered for identification as Prosecution Exhibit 470. Now, this letter is dated "Oranienburg near Berlin, 14 February 1944. Secret. Subject of the Letter: Testing of a Typhus Vaccine. Reference: Your letter dated 26 January 1944, Diary No. 82/44 - "r. Mrs/Sonn." That is Dr. Mrugowsky. Your letter of 26 January, 1944, this is the answer to it:

"To the Reich Physician SS and Police Chief Hygienist." You sent a copy of the letter to Grawitz, The Reich Physician SS and Police. The text of the letter reads as follows:

"The requested authorization for testing the protective effect of a Danish vaccine on 30 inmates has been given by the SS Main Office Chief, SS-Obergruppenfuhrer and General of the Waffen-SS Pohl; the experiments must be limited however, to gypsies.

"Thirty appropriate gypsies will, therefore, be turned over to the Institute for Typhus Research At Buchenwald at an early date."

Signed The Chief of the Medical Service of SS Economic Administrative MainOffice and Head of Office Group D III, SS Standartenfuhrer Bolling.

Now, you know nothing about these thirty inmates, or 30 people, set aside for this experimental series, Doctor?

A. No, I did not see this letter.

Q. Now, did they use the gypsies, Doctor?

A. I don't know.

Q. How about this letter; the reference to your letter of 26 January, 1944.....?

DR. PLEHNIK: Mr. President, I object to this Document. I should like first to see the original. The letter is addressed to the Reich Physician SS and Police, Chief Hygienist, that would be Drugowsky, but at the bottom it says copy was sent to Drugowsky, SS-Sturmabfuhrer, on 21 February, 1944.

(The original document is shown to Dr. Drugowsky.)

Thank you, I have seen it.

BY MR. MOOHAN:

Q. Now, Doctor, do you know whether or not these thirty gypsies were used in this experiment?

A. No, I don't know. This was the time when assignment was made by the Reichs Criminal Police Office. This assignment of prisoners from the year of 1943 on had been done exclusively by the Reichs Criminal Police Office, and for this purpose a Kriminalrat went to Buchenwald, but as I know now the prisoners were not only taken from Buchenwald but also from various other camps for purposes of experiments, and I assume that this was something similar.

Q. In this connection, referring again to the letter I just exhibited to you, I am not clear on whether or not you sent a letter requesting thirty inmates on 26 January 1944, as stated in the subject reference here; did you, or did you not, send a letter requesting authorization for testing the protective effect of the Danish vaccine on the thirty inmates to the SS Main office?

A I cannot remember this matter, it would be the first time that I would have forgotten such a thing, it has never happened in the entire examination, therefore I consider it quite impossible.

Q You maintain that when the Reichs Criminal Police Office took over the allocation of inmates to be used in experiments that that was no concern of yours; that you did not know anything about it because you were not Dr. Ding's superior in that respect. Those inmates that were taken over, or allocated, to Block 46, were they all prisoners condemned to death?

A I don't know. The authorities who assigned them must know. I never saw any files on these people, but this much is certain that the Reichs Criminal Police Office was in charge only of criminals and that is possibly the case throughout the world.

Q Well, now, suppose they decided to set aside prisoners to be used for experiments; would they not notify you first, and then you would relay your information on to Ding, and he had the authority to a certain number of inmates?

A No.

Q I have another document, Doctor.....

THE PRESIDENT: Just a moment, are the German copies of Prosecution Exhibit No. 470 available?

MR. HARRY: Yes sir. Now, I wish to introduce Doc. NO 1189, which is offered for.....

THE PRESIDENT: I understood when you read this Document to the witness that at the end there was a name written, these copies have SS Standartenfuhrer without any name under it.

MR. HARRY: Yes, Your Honor, on the original you will find the signature of Ding, written in his original hand writing. Please exhibit the original to the Tribunal.

(The original of Doc. ID - 1188 is handed to the Tribunal.)

THE PRESIDENT: This apparently contains the signature of Lolling.

MR. HARDY: Lolling is the writer of the letter.

THE PRESIDENT: That is then the signature missing from our files?

MR. HARDY: Yes sir, you will see Ding's signature down in the left hand corner.

THE PRESIDENT: Here is the original.

BY MR. HARDY:

Q I now wish to introduce Document ID-1188 as Prosecution Exhibit 471 for identification.

Now the first section of this document is most interesting, Doctor. This is an order of 27 February 1944, secret addressed to the Chief of the Security Police, signed by Heinrich Himmler, stating:

"I agree that professional criminals be taken for experiments with the typhus vaccine. But only those professional criminals should be chosen who have served more than ten years in prison; that is not with ten prior convictions but with a total penalty of ten years.

"SS-Gruppenfuehrer Wobe is to supervise the disposal of these inmates. I don't wish the physician to pick out inmates without my counter-control."

Signed Himmler.

What is this business about choosing prisoners condemned to death, Doctor?

A. I was speaking of professional criminals.

Q Oh, then the persons used in these experiments at Buchenwald were not condemned to death?

A I don't know. I don't know the instructions which the Reich Criminal Police Office had; and I don't know the instructions which the camp of Buchenwald had had for the selection before that. I never saw them. I can only repeat what Grawitz and Ding told me about the matter. They told me that the people were condemned to death.

Q Well, you were aware of this order here signed by Himmler? You received it?

A No.

Q This letter was addressed to you, to the Director of the Hygiene Institute of the Waffen SS, SS Standartenfuhrer Hrugowsky. I will read further. It is dated 29 February 1944.

A Yes.

Q It says, "For information, to SS Standartenfuhrer Dr. Ding, at Buchenwald-Weimar." Original to you, copy to Ding, I presume. It states as follows: "Please take notice of the foregoing decision of the Reichsfuhrer-SS concerning the inquiry on experimental subjects for the testing of typhus vaccine. According to our discussion, Criminal Counsellor Otto, official of Office V, Reichs Main Security Office, will arrive in Buchenwald Concentration Camp on March 2nd, 1944, with the appropriate material. He and Dr. Ding will pick out the subjects to be experimented upon, according to the Reichsfuhrer's order. I suppose you have informed Comrade Dr. Ding by teletype as agreed upon (Signed) Hebe."

Now, Doctor, the second sentence of this letter states: "According to our discussion, Criminal Counsellor Otto will arrive in Buchenwald..." You had a discussion with Hebe, didn't you, according to this letter?

A That's true, yes; and I can tell you exactly what we talked about.

Q Just a moment. You had a discussion concerning the use of experimental subjects at the Buchenwald Institute according to this letter.

A The discussion was on quite a different subject.

Q We won't go into it, Doctor; we won't go into it. The last sentence states --

THE PRESIDENT: The witness may explain if he desires. The witness may make an explanation if he wishes.

A Since the spring or about the beginning of 1944 I had been in contact with the Reich Criminal Police Office and the Criminal Technical Institute, the head of which was Dr. Heest because I had been asked by them to produce certain diagnostic sera for combatting illegal butchering and poaching; and there is a certain procedure for testing blood and discovering what kind of animal it comes from. We were supposed to do this work for that institute. Nebe called me to see him one day to discuss the matter in which Nebe was particularly interested. That was the subject of our discussion. When I was about to leave, he told me:

"By the way, another doctor was here recently. His name was Dr. Ding. He came to see us about the assignment of prisoners; but there was no order from the Reichsfuehrer on the subject. However, I think that I will receive such an order in the next few days. Then a Kriminalrat, a Criminal Counsellor from my office, will contact Ding." I told him that that probably had something to do with something for which my chief Grawitz was responsible. Then Nebe said that he had no personal contact with Grawitz. I don't know why, of course. He asked me to inform Grawitz of the matter. That was the discussion I had with Nebe; and it is possible that I received this letter which, according to our agreement, was sent on to Grawitz.

Q Now, the last sentence says, "I suppose you have informed comrade Dr. Ding by teletype as agreed upon." Did you do that?

A Yes, it is quite possible that I told him that Himmler had not approved it and that the matter still had to be settled and that Grawitz' office was to inform Ding of the discussion. I myself was in no position to do so because I did not have a teletype machine in my office.

DR. FLEMING: Mr. President, I object to the submission of this document until I have seen the original. From the photostatic copy which has been handed to me, I see that at the bottom at the left there is a notation, "Certified true copy." That is signed by Ding. Therefore, this is obviously only a copy. This is not an original. We do not know what it was copied from. It is not a document which conforms with the rulings of the Tribunal. There is no certification. There is no oath. So that in my opinion this document cannot be used as evidence.

MR. HARDY: Your Honor, I won't comment on the objection of counsel inasmuch as it isn't substantive; it isn't substantial here. I'll just pass the document up for your perusal. That is the original signature of Ding on it.

DR. FLEMING: If one can give any significance to Ding's signature here at all, Ding merely certifies that this copy conforms to some original, some other document which he had; but he does not certify that he received the original of this document, nor does he certify that the original is in the file anywhere. He merely certifies the correctness of the copy.

MR. HARDY: This is a teletype, your Honor, received on the teletype. It states at the top "Copy, teletype"; and the teletype is not a letter.

DR. FLEMING: No, but the lower part is a letter.

THE PRESIDENT: Just above the signature Ding appears certain letters, initials. What do they signify?

DR. FLEMING: The letters mean "Fuer die Richtigkeit der Abschrift," "F.D.R.D.A.," "for the correctness of the copy." But that does not prove where this document which was copied came from; whether it was a copy of a copy or a copy of an original, or what it was.

MR. HARDY: Your Honor, I farther submit in this connection that I am only offering it for identification at this time; and the formal

objection can come up when the prosecution has introduced the document formally.

THE PRESIDENT: Of course, counsel is correct in that statement. It would still be subject to objection when formally offered. While under some circumstances the objection might be well-taken, the witness has himself identified the document; and it bears the certification of the witness Ding. It is the opinion of the Tribunal that the document would be admissible. — I should have said that the witness recollected the substance of the document in connection with the subject matter referred to in the document.

MR. HARDY: Your Honor, may I request some instructions at this time? During the course of our entire cross examination of the defendants, we time and again encounter objections of documents being put to defendants or witnesses; and the admissibility of the document is not being ruled on at this time inasmuch as they are only being marked for identification and not formally.

Now, by that I am inquisitive to find out whether or not it will be necessary for us to go through these long arguments again when we formally introduce each document. Now, if that is so, it will just be a repetitious affair on two different occasions.

THE PRESIDENT: That would depend on the particular circumstances of each case and whether the Tribunal has at the time it was offered for identification ruled upon its admissibility or not.

THE TRIBUNAL (JUDGE SEBRING): You see, Mr. Hardy, in regard to the first document, generally speaking, the objection urged by Mr. Fleming might be well-taken; but we have here a situation in which the defendant himself, although he does not recollect having seen the letter or having received the letter, apparently recollects clearly the transaction delineated in the letter and has asked leave of the Tribunal to explain in detail the various phases of the transaction. It would seem that under those circumstances the formal objection to the effect that

the letter was not properly certified would become immaterial.

BY MR. HARRY:

Q Now, Dr. Hrugowsky, I presume that you recollect that the witnesses Kogan and Kirchheimer -- and I cannot recall whether Roemhild agreed -- but those witnesses stated that to their knowledge none of the experimental subjects at Buchenwald were prisoners condemned to death. Now, this particular document that's just been introduced and is signed by Himmler states that professional criminals who had a total penalty of ten years or more should be used for the experiments. Now, to you taking this into consideration and having once seen -- or you should have seen -- this order of Himmler, do you think that condemned persons were used in the experiments at Buchenwald?

A In Germany at that time Himmler was the Reich Minister of the Interior and the Chief of the German Police. He was the most powerful man in Germany. If at that phase of the war an order comes from that man and he makes a decision, it is certainly not my duty to express any opinion on this order from a higher authority. My name is not Himmler; my name is not even Grawitz. I had no opportunity of influencing Himmler directly. I was much too far removed from him.

If Himmler issued an order he presumably issued this order for certain reasons, and presumably can take the responsibility for it, I don't know, but quite certainly I am not responsible for what Himmler does.

Q. Well, now, Doctor, were you of the opinion that professional criminals were being used in these experiments, and not criminals condemned to death?

A. I knew that professional criminals were used. At least I was always told so, and until 1944 it was my opinion that only persons condemned to death were used. This latter, of course, indicates clearly that that was not the case, but that people were merely professional criminals. At that time during the war such a decision was nothing unusual. It was during the air war at the time, and great danger to every person in Germany. Any person who has had the experience itself can understand what this means. The higher State authority decides only professional criminals with long sentences are to be used for a certain purpose, that was quite in accord with the situation at the time. Especially since another high Reich agency was included, that was the Reich Criminal Police Office. I do not know the order of business of this agency. I did not belong to it, and I had no close contact with the criminal police. If a criminal councillor is assigned for some particular purposes, this fact had to be sufficient for me. I had to believe that this was a special but will of the State. A criminal councillor in Germany is a man in a rather high position, and that is the thing what is true of any other definite councillor in the office, he is quite a high official and not subordinate in some way.

Q. Now, Dr. Brugschky, we will go into the field of poison bullet experiments, or poison bullet executions. You stated that this poison bullet action was not an experiment but an execution?

A. It was not an experiment in the sense of medical experiments, but as I was told at the time it was the use of a special type of ammunition in the execution.

Q. Well, how long have you been a member of the execution staff in Germany? How is it you happened to be attending executions?

A. I never belonged to any such society. I have already told you in my

direct examination how this came about. It was to be determined whether the use of these Russian Poison Bullets was the beginning of a poison warfare against Germany. You will concede that that decision was of the greatest significance to our country. If such a thing is done on a large scale, then the old number of five wounded to one dead is no longer valid, then what we had to expect at all is that the wounded would die. This question, therefore, was of significance, which could hardly be greater. The fact that such bullets were used was of course, otherwise, on the question of responsibility the Gestapo would not have been interested and it would not have been in existence, and the ammunition would not have been there. I have told you that this question was to be investigated by means of this execution. On the question of what poison was used, that is, whether the chemical analysis which had shown a person was poisoned would be confirmed by the chemical symptoms. The question was whether it was a pure poison, or whether it was mixed, and the second place later consequence was a solution of the question whether a possibility of therapy in such an injury, are such persons doomed to die. This question was to be by no means whether an execution was and had to be carried out in any case.

Q. These persons to be executed were Russian prisoners of war, were they?

A. Certainly not. That is the first time I ever heard of that. I talked to, repeat, many Soviet doctors.

Q. Now was this execution with poison -- was not this execution with poison bullets rather an atrocious manner of killing a person?

A. I have told you that the sight of these executed with poison bullets was one of the most horrible experiences of my life, and I can add that as a doctor who works with highly infectious diseases, I have seen very many people die. For me death itself is not horrible, but the picture in this case made this poison warfare, which we were afraid of, look so terrible. That this experience was one of the worst of my life, and on the other hand I am directly convinced that everything has to be done by a country in order to prevent such a horrible method of warfare.

Q. Well, these men that were executed did not volunteer to be executed by use of poison bullets, did they?

A. I don't hardly assume so. I don't know.

Q. Were they promised if they lived through the poison bullet test that they would be pardoned?

A. I can not tell you. We tried to clear up the matter, and for more than three months we looked through the files and we can not find them. The files would have to show the details. I can assure you that we are interested in it for the following reasons, interested in really clearing up things as they were, because I can be cleared only by this evidence which will show exactly what happened.

Q. Now who fired the bullets?

A. An Untersturmfuehrer who was on this staff of the camp commandant of Sachsenhausen.

Q. In the testimony that I heard in this court, in that Dr. Ding stated that one of the prisoners attacked Krugowsky with a knife, or something?

A. Kogon stated that, yes. I was quite interested in the testimony. It was the first time I ever heard about it. If I had been attacked, I probably would have noticed it. That is not true. I was not attacked.

Q. Now will you turn to page 50 of Ding's Diary. The English copy is page 50, which has the entry "Spotted fever vaccine experimental series No. 5."

Under 17 July 1944, it would be on page 50 of the English Document Book, Document book No. 12. Do you have that Dr. Krugowsky?

A. Yes.

Q. It states: "The spotted fever vaccine 'Weimer' produced by the Department for spotted fever and virus research of the hygiene institute of the Waffen-SS, Weimar, Buchenwald, was tested according to orders for its compatibility on humans." Now, tests for compatibility on humans is not tests in which the Weimer virus is used, is that right, on people who are artificially infected?

A. I don't understand your question.

Q. When you test vaccine for its compatibility on human beings, you did

not first infect the person with typhus, did you; there is no artificial infection actually given the person of typhus in connection with the tests for compatibility reason, is there?

A. No.

Q. Now will you turn to the next page, the entry of 6 September 1944, and I strangely note that Dr. Ding had started this compatibility test with vaccine, and then on 6 September 1944, he states that, "The 60 experimental persons were infected by subcutaneous injection of 1.10 cc spotted fever and typhus sick fresh blood each into the right upper arm." Now is not such action as that rather inconsistent with tests for compatibility reasons?

A. It states nothing about compatibility tests here. It is possible that the translation is not done very right. The first paragraph states, it is tested for its protective effect. That is not the same as "compatibility."

Q. The English copy, the first paragraph, "The spotted fever vaccine, Weimer, was tested according to orders for its compatibility on humans." Do you see that?

A. Yes, that is in this translation. It states "protective".

Q. Well, now, if you are testing for its compatibility, if this compatibility is a mistranslation, I will ask the interpreters to check that, check the German document, please?

INTERPRETER: It says "Schutzwirkung", which is "protective effect".

Q. Well, now, that is a considerable difference, I would say, isn't it, doctor? If you are testing it for protective effect, then you would have to first give the persons spotted fever or typhus?

A. No, they are first vaccinated and then infected.

Q. I see. Well now, doctor, did you at any time ever order Ding to experimentally determine how infectious slight cases, or how infectious the blood of slight cases is, as compared with very heavy cases of typhus?

A. No.

Q. What I am getting at is in particular the examination of the protectively vaccinated persons to be compared with the persons who were not vaccinated. Did you ever order or suggest that Ding carry out experiments of that nature?

A. Ding's whole work was on this question. Ding did nothing else in his experimental station than to compare the effects of persons who had been vaccinated with the effects on those who had not been vaccinated and I told you this was done on orders from Himmler and I have explained in interrogations what part I took at the time.

Q. Well now, this entry of 6 September 1944 is one where sixty experimental persons were infected with blood after they had been vaccinated, and also twenty people in the control were infected with blood. These were persons who had not been vaccinated and as a result he states twenty-four deaths, five of the people who had been previously vaccinated and nineteen put into the control group. Did you ever suggest that such

a thing be done in Buchenwald?

A. No, where it says according to orders, that does not mean orders from me, that goes back to the basic order from Himmler which says all such vaccines are to be tested.

Q. I now wish to introduce Document 1197, this is No. 1197, which will be offered for identification as Prosecution Exhibit No. 472. Now this letter only reads - Your Honors, do you have a copy? This letter is dated 12 August 1944. This is a secret memorandum - pardon me a moment, Dr. Krugowsky, is that your signature on this letter?

A. Yes, I wrote the letter.

Q. Thank you. This is dated the 12th of August 1944 on the stationery of the Reich Physician SS and Police Chief Hygienist, secret memorandum for SS Sturmbannfuhrer Dr. Ding:

"Wohlrad and Patzer claim that people protectively vaccinated can, it is true, contract typhus, but that these are not able to infect lice. From that they draw the conclusion that in combating an epidemic, if releasing is not possible, it suffices to undertake protective vaccination with simultaneous seizure and isolation of all typhus patients. Moser (Swiss Paper for Pathology and Bacteriology, 4, 1941) - that is May 1941 - has on the other hand established that this observation already made by Weigl eleven years ago is not due to protective vaccination but rather to the fact that only severe cases of typhus can infect lice. Slight, especially sub-clinical cases, though, cannot, Moser concludes from this that typhus cases running a light course cannot represent a virus reservoir in typhus free periods."

And now the last paragraph:

"To decide this question I request that it be experimentally determined how infectious the blood of slight cases is compared with that of heavy cases of typhus. In particular the examination of protectively vaccinated persons is interesting in comparison with persons not vaccinated."

Now that is addressed to SS Sturmbannfuhrer Dr. Ding, secret memo-

random.

A. This memorandum is a model of how I issued such assignments at my Institute. It is quite clear that I issued my orders or gave my suggestions in writing and I remember this matter very well, and the position of Wohlrab and Patzer that persons who are vaccinated can become sick but are not infectious, if it had been true, would have had enormous significance for the control of the epidemics. It was, therefore, of great interest to determine whether that was true or not. Therefore, I wrote Ding on 12 August 1944 that he was to investigate this question as it is described here. An oral explanation was given at the same time. The explanation was that he was not to use lice because he had no way of breeding lice. From light and severe cases of typhus he was to take some blood and inject it into guinea pigs. This method was obvious because he daily performed such infections for the purpose of producing his vaccine. There was merely one variation of the customary procedure necessary. He was to determine which of the typhus patients had previously been vaccinated. Those would have been the light cases from whom he usually no doubt did not take blood for his vaccine production. For infecting the guinea pigs he probably always took that from the most serious cases in order to get a strong strain and consequently strong immunity. For this purpose he was to deviate from this custom, and now he was to take the blood from some of the lighter cases and infect the guinea pigs from people who had been vaccinated. I don't know what charge you can find in this matter against me. You find nothing about experiments on human beings and not a word about such experiments was said. It was purely laboratory instruction referring to Block 50, which was to be solved by his work with animals.

Q. We will let the Tribunal decide that, Doctor.

MR. HARDY: I have no further questions, Your Honors.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

COURT NO.1

THE MARSHAL: Persons in the Courtroom will please find their seats. The Tribunal is again in session.

THE PRESIDENT: Has Defendant's counsel any re-direct examination of this witness?

RE-DIRECT EXAMINATION

BY DR. FLENNIG:

Q. The Prosecution showed you Document No. NO-1198, Prosecution Exhibit 466. This is a letter from the Reichs Physician SS and Police to you, regarding specific therapy in the case of typhus and secondly the tolerance.....

THE PRESIDENT: Counsel, before you interrogate the witness about this document I desire to ask him a few questions.

BY THE PRESIDENT:

Q. Witness, you have the document before you, have you?

A. No, I do not.

(Document is handed to the witness.)

Q. In the 4th line of the document I note with reference to your letter of 15 August 1944, diary numbers 324 and 326. That does that mean -- what does the word "diary" mean?

A. Grawitz is here referring to a letter which he received from me in this matter, written on 15 August 1944, and carries the number 342 of my diary, that is to say, of the letter file of my institute, and another number, 236, "Secret." Apparently these are two letters that were written on the same day, one of them not secret, No. 342, and the second was put in the secret file as No. 236. That would mean that the first matter, -- namely the specific therapy in typhus to which there is reference, and the matter of treating typhus by intravenous injections was not to be considered a protective vaccine

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and a method of treatment, -- was not a secret matter.

Q. Witness, I was interested in the use of the word "diary". You say that means letter file, is that correct?

A. Yes, All letters that we sent out or that we received, in other words, all our correspondence, was filed away in specific letter files. That is the meaning of the word "diary".

Q. I understand That is sufficient. Counsel may proceed.

BY DR. FLEMMING:

Q In the document book under discussion, there is mention of specific therapy in the case of typhus and of the compatibility of phenol in serum; now the Prosecution in the question of testing the compatibility of phenol serum has brought this into connection with Dr. Ding's affidavit, Document No. 257, dated 30 July 1945, which is in Document book 12, page 9 of the German text; in your answer did you take into consideration the fact that Ding's affidavit begins with the words:

"As ordered I answer two questions literally:

1. Witness at an euthanasia with Phenol at Buchenwald.

At the end of 1942 I took part at a conference in the Military Doctors Academy in Berlin."

Now, this meeting of which he here speaks took place in 1942, whereas the letter which was shown to you here is dated 24 August, 1944; would you please make a statement on that fact?

A These two matters of course are not in any way connected. I said during my cross examination that these are two entirely separate things, in the first place it was a serum for gas gangrene and in view of the time in which it is occurring the document of Professor Killian in my document book proves it. Here it is not serum for gas gangrene but a purely technical discussion of serum in general. That the serum should not have any addition of phenol was a developing work on the part of industries and like all such work this particular question was labelled "secret." That is the reference here and in my recollection these were serums against diphtheria, because these diphtheria serums constituted the great majority of all serum production in Germany.

Q Thank you, that suffices; I simply wished to clear up the fact that this Ding matter of 1942 had nothing to do with the other matter.

The prosecution further introduced the intermediary report by Schilling, which Grawitz showed you and on which you expressed your opinion; the prosecution said you were chief of office 3 under Grawitz; could you in this capacity make any difficulties for Schilling? I should like to ask you were you in a position to make any difficulties for Schilling in his experiments or to interrupt the experiments?

A I would only have been in that position if I had some authority over Schilling's experiments or Schilling himself. This was not the case as these experiments had been going on since the year 1942 and had been approved by the highest authority, namely by Himmler himself. These matters were never handled by me and let me say that the position of the Chief Hygienist in the staff of the Reich Physician SS was that of an expert, a referat, without his having any power to issue orders, with the exception of those scientific arrangements which were immediately subordinated. For example, in my case, my own institute. In other words, I had no opportunity of exercising any sound influence on Schilling.

Q When the experiments at Ravensbrueck were under discussion, the prosecution said that you were chief of the Hygienic Institute from which the cultures for the sulfonamide experiments in Ravensbrueck came therefore you must have known of the delivery of those cultures; would you make a statement on this?

A Both from the interrogation of Gebhardt and from my own direct testimony, it can be seen that Grawitz himself was the delivery of cultures. I, myself, was not

in Berlin at all at that time and consequently could neither interfere or find out anything about this matter. It was not so that the delivery of cultures, so far as those cultures were to be placed in regular German biological institutes and as they were not germs of a dangerous disease, such as cholera or cancer. As I said, the delivery of these cultures was not such an exciting event that the member of the competent department first needed the approval of the chief of the institute; that was neither prescribed nor was it customary in the other large institutes.

Q Later on, I shall submit an official certificate from the Robert Koch Institute, which certifies to this. The prosecution showed you a letter of yours to the Reichs Physician SS and Police of 29 January 1945, in which there is a question of hepatitis experiments. You know Ding's diary very well. After the date of this letter, in other words after 29 January 1945, are there in this diary any references to experiments with hepatitis?

A Ding does not mention any such experiments in his diary, nor have any of the other numerous witnesses you have heard here been heard to mention it, nor do any documents mention it, consequently I am persuaded that no such experiments took place.

Q The prosecution further mentioned the use of Cyclone B for the mass extermination of human beings; I should like to draw to your attention Gerstein's affidavit which the prosecution earlier showed you during the presentation of this evidence; I should like to ask you: did you have anything to do with the matters which Gerstein mentioned in this affidavit?

Exhibit 1

A. I had nothing to do with these matters. That can clearly be seen from the Gerstein document itself.

Q. The Gerstein document is Prosecution Exhibit 428.

The Prosecution further showed you document NO 1305, Exhibit No. 469. This concerns yellow fever vaccines, and here it is particularly emphasized that yellow fever vaccines contain living virus. Would you please make a statement on this, as to whether this living virus in the yellow fever vaccine is in any way dangerous to the human being's health?

A. The situation is as follows. There is no virus disease against which you can conduct protective vaccination with dead virus. When such things are done at all—and they have been done since the middle of the 18th century—living germs have always been used which, however, have been attenuated in their toxicity for the human body in such a way that they cannot cause disease in the human being. In this specific case of yellow fever, it was a question of a virus strain which is extracted from mice. There are two main sorts of this vaccine. In this case they are referring to the virus which is passed on from mouse to mouse in the mouse's brain.

With such a virus it is impossible to infect a human being with a disease. There is simply a reaction in body temperature which, however, has no connection with any of the symptoms of yellow fever. Consequently, this is not yellow fever and it is not possible to induce serious symptoms from this virus extracted from mice. It is a matter entirely without danger. It is much less dangerous than the smallpox vaccination which every child receives.

Q. I made an objection to document NO-1189, Exhibit 471. In connection with that, the Tribunal said that you had already identified the contents of this document to the extent that there could be no objection raised against the document.

I should like to ask you this. In your statements that you made in court, when you said "I remember the matter", were you talking in

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attitude towards this memo brief; or were you adopting an attitude, when you said that, on what you remembered from that conversation with Hubo?

A. I no longer recalled this conversation with Hubo. However, this document reminded me of it immediately. This was a very brief conversation--

Q. (Interposing) I don't want to know about the conversation with Hubo, but I want to know whether you remember having received this letter, as do not know how it got into the hands of the prosecution.

In other words, do you remember this letter, or is it true that what your testimony meant was that you did not remember the letter itself, but simply remembered the contents of the letter?

A. I do not remember the letter itself, not even now, now that I have seen it. I remember only the short conversation with Hubo on it.

Dr. FLEISCHER: I have no further questions.

THE PRESIDENT: I have a further question for the witness.

BY THE PRESIDENT:

Q. Referring again to document No. NC-1198--have you that document before you?

A. No, Mr. President. Is that 1189 or 93?

Q. That is 1198. That is the letter from Gowitz to you.

A. Now I have it.

Q. Will you read the line following Arabic number two?

A. Compatibility of sera containing phenol.

Q. In the English document before the Court the word which is now translated "compatibility" is translated "tolerance". Just what do you mean? What is the meaning of the German word which is so translated?

A. "Tolerance" can be said, yes. What is meant is this: For a man who is sick with dysentery, to what extent can he tolerate a serum containing phenol? The matter of phenol is very carefully regulated in Germany by the State. Secondly, whether another serum, which does not

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have phenol in it, can better be tolerated.

THE PRESIDENT: I understand. That is sufficient.

Would you proceed.

DR. FROESCHMANN (For Dr. Nalta, counsel for the Defendant Handloser)--

MR. HARRY: That did not come through my headphones.

DR. FROESCHMANN: I will repeat.

Since Dr. Fleming submitted to the witness document No. 1305, Exhibit 489, in connection with the question of yellow fever vaccine put to the witness by the prosecution, representing Dr. Nalta for the defendant Handloser I should like to ask three questions of the witness in this connection.

BY DR. FROESCHMANN:

Q. First question -- Do you have the document before you?

A. No, but I am familiar with it.

Q. In this document it says, in paragraph 2: "We assume that President Eisenhower also has tested this on human beings to discover the tolerance for it." Does not this mean that this was simply a testing to find out whether the vaccine is harmful?

A. I said, in my direct examination, that this entire question was a purely technical one. It was not a question as to whether or not this vaccine had any protective value, because that question had already been answered by millions of vaccinations in many nations, and we had the same virus in our protective vaccinations as the other nations had in theirs. This is a purely technical question. Of the tolerance for the vaccine, the witness Bernhard Schults said that it was pretty difficult to maintain a normal temperature and that consequently the application of this virus was somewhat difficult. The question, therefore, was whether the doctors using it, first of all, were in command of this technique; and secondly, whether the vaccine was still effective or not, in other words, whether there was any additional effect to it should be feared, for instance, if the temperature rose.

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In my opinion it was a matter of conscientiousness to test this, but it was not a matter of basic importance, because I do not know, or I had never heard that any such vaccine had caused damage to the human being if, for instance, the virus in the vaccine died.

Q. Witness, I wanted to know something else than what you just said. I wanted to know whether, from paragraph 2, it can clearly be seen that these tests were simply carried on to see whether the vaccine was dangerous or not.

A. Yes, that can be seen from that paragraph.

Q. Then please tell me what you understand under the sign "OP number".

A. That is a sign for the Rohrer works and many other laboratories that produce vaccines, and it means operation number. This designation is only used as long as the production of vaccine is still in the research stage. For instance, so far as it is a question of vaccines being manufactured in the plant, you do not use the designation "OP", but you speak of work numbers, the abbreviation for which is "WN".

Q. How many portions are included under such an OP number?

A. That depends on the vaccine, of course. I believe that a capsule alone has 30 such portions of vaccine. Generally the number includes not simply the capsule then being worked with, but it is simply being used as a model for the whole manufacturing series.

Q. Now the last question I have to put to you:

In view of this document 1305, you, witness, have already stated that this is a special case, namely, a special military operation in Africa, in which, roughly, forty thousand men participated. Can you, from this special case, conclude that there is a basic agreement between the Waffen SS and the Army according to which all vaccines went through the hygiene institute of the Waffen SS and were tested, namely, at Tannenberg?

A. There can be no question of that whatsoever. There was a testing station in Germany, namely, one designated by a special order on the part of the Reich Minister of the Interior. This was the Institute for Experimental Therapy, which carried out the State's testing of vaccinations.

DR. FROESCHMANN: No further questions.

DR. GAWLIK: Dr. Gawlik for the defendant Hoven. I should like to ask Dr. Brugowsky a few questions regarding Document Number 5.

EXAMINATION

BY DR. GAWLIK:

Q. Witness, you still have that document before you?

A. Yes.

Q. What did you know about who was to carry out these injections?

A. Dr. Bing was.

Q. Now can you say about why this vaccine was sent to Dr. Hoven?

A. If I recollect correctly, Dr. Bing did not have any postal address of his own. His research station and his experimental station were in Lolling's sector; and I therefore assumed that in the case of this letter, the letterhead for such matters went to the camp physician of Buchenwald.

Q. Did you ever discuss the carrying out of these vaccinations with Dr. Hoven or have any negotiations on this matter at all with him?

A. You mean in January 1943? At that time I didn't know that Dr. Hoven existed. I only met him in September.

DR. GAWLIK: No further questions.

THE PRESIDENT: Are there any other questions of the

witness on the part of any defense counsel?

MR. HARDY: If defense counsel have no further questions, I have no further questions, your Honor.

DR. FLEMMING: Mr. President, I ask permission to submit a few documents; but first let me remark that the witness Dietsch I interrogated yesterday evening regarding the points upon which I wanted to interrogate him specifically. About the channel of command for Black he knows nothing. Consequently I don't think it is right, since this Bugowsky case has already lasted so long, to put him in the box as a witness; but I shall simply submit an affidavit from him.

MR. HARDY: May it please your Honor, first of all I assume now that the defense Bugowsky's examination is finished and, secondly, in connection with the witness Otto Dietsch, he has been brought to Nurnberg as a defense witness; and they have no intention of calling him here to the witness stand. I request permission to interrogate Dietsch on behalf of the prosecution if the Tribunal will allow that. He is a prisoner here in the Nurnberg jail.

THE PRESIDENT: Do you mean to make the witness Dietsch the prosecution witness, or do you desire to cross examine him in connection with the affidavit which Dr. Fleming has mentioned?

MR. HARDY: No, I merely desire to interrogate him for investigation purposes in the same manner that Dr. Fleming has.

THE PRESIDENT: Interrogate him in the prison?

MR. HARDY: In the prison, yes.

THE PRESIDENT: Yes, that may be done.

MR. BARDY: Thank you, sir.

THE PRESIDENT: I understand, counsel, that there will be no more questions to the defendant Drugowsky?

MR. FLEMING: No, that's true. I simply want to put in documents.

THE PRESIDENT: The defendant is excused from his stand and may resume his place.

MR. FLEMING: Mr. President, regarding the question of the witness Dietsch the prosecution has concluded the presentation of its evidence. Therefore, in my opinion, it cannot call any further prosecution witnesses but could simply cross examine him regarding the affidavit I shall put in.

THE PRESIDENT: Counsel for the prosecution did not suggest at this time that he intended to call the witness Dietsch; he desired to interrogate him in the prison.

MR. FLEMING: I understood him to mean that he wanted to interrogate him here in court. Then let me submit Document Drugowsky 42 on Page 216 of the Document book, as Document Drugowsky no. 58. I simply draw all these documents to your attention.

THE PRESIDENT: What is the number of this document to which you are referring, counsel?

MR. FLEMING: Document 42, on Page 216, which I submitted as Exhibit 58. Then as next document, Document Drugowsky 54 on Page 218.

THE PRESIDENT: Just a moment, counsel, until we can enter this.

MR. FLEMING: Drugowsky Document 54, Page 218, Drugowsky Exhibit 59. Drugowsky Document 54 on Page 220 as Document Drugowsky Exhibit 60. Drugowsky Document 55 on

Page 225 I shall not put in. May I ask whether the Tribunal has Document Book Number 2? I have a document book, Number 2, in which there are extracts from literature.

THE PRESIDENT: No, we have not that document book, Dr. Fleming. In that connection I don't have any notation concerning the offer of Dragsky Number 11, Pages 90 and 91. Are we to understand that that will not be offered?

DR. FLEMING: I am not putting that in. The reason for which I intended to was removed.

MR. HARDY: Your Honor, in connection with this Document Book Number 2, we have here some sixty-eight pages of extracts from the books that are on the prosecution table now which have just been turned over to us for examination by defense counsel. Now, these doctors and scientists here in this dock are not accused of experimentation on human beings as such; but, as we the prosecution agree that experimentation is necessary and there are accepted methods of medical investigation, we are charging these defendants with crimes. These crimes are mostly in connection with the use of non-volunteers in their experiments, the lack of care and skill in the course of their experimentation, and many other such things which we might consider as being guilty of malpractice. In addition, there is a considerable difference between the extracts and information as outlined by these doctors and what is at issue in this case.

Now, this literature here is different from the literature of the accused that we have examined in this Tribunal in that the legitimate authors were openly state

that they have made experiments on human beings and that they committed no crime as they had nothing to hide. They were volunteers. But Arugowsky on the stand admitted that when they submitted a report of their experiments they falsified the reports because they had something to hide.

Now we are going to try to counter up the record with sixty-eight pages of scientific literature to prove that other experimentation has been carried out; but this experimentation, your Honor, has no connection whatsoever with what we have charged here. The prosecution deems it immaterial. Hence I do not wish to object to each and every document as it is put in; but I wish the Tribunal to consider this as a blanket objection to all the documents contained in Document Book 2.

DR. FLEMING: Mr. President, the prosecution has charged the doctors here of having carried out experiments on human beings who had not experimented on human beings who had not volunteered for this experiment. Consequently, in Document Book Number 2 I have not included one single experiment in which there is any mention in literature of the fact that the experimental subjects were volunteers, not even in those cases where the total description of the experiment proves that the voluntary aspect of their participation was probably only assumed. The experiments here described were carried out in part on children, in part in prisons, in part in mental institutions. I consider it necessary to show the Tribunal to what extent throughout the world such experiments are carried out on human beings who do not volunteer for them, in order to prove that the civilized attitude is not contrary to such experimentation and that nowhere in the

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world are such experiments considered criminal, because
otherwise the Court would have to know of many objections
in literature or in newspapers where such experiments are
repudiated.

If these documents prove that in almost all nations of the world such experiments on human beings are carried out without any objections on the part of the public, then in my opinion it has been sufficiently proved that such an undertaking of experiments of such a nature as was carried out here in Germany, and even in several times not to be regarded as criminal, and then in a period in which a total war is being waged, it being such a period of war in which such experiments are carried out in Germany, and that is the error of the highest officials in this case, they were all less to be regarded as criminal.

Another question will be which the Tribunal must examine in whether in the execution of these experiments anyone can be charged with anything. However, in my opinion we must discriminate sharply between the question arising from medical experiments to clarify a question -- a medical question, or during wartime to present a military problem that humanitary persons, are they basically to be proved, or basically to be regarded and characterized as criminals.

There is quite a different question on the other hand, namely, how such experiments were carried out, and the question, can a physician who carries out such experiments on State orders or who has been made available by the State for these experiments be punished for the experiments.

THE PRESIDENT: Do any of these exhibits, particularly in the book's No. 2, bear on the latter phase of the situation to which you just referred?

MR. PIENKOWSKI: Yes, about the question of fact that subjects were made available by the State?

THE PRESIDENT: Yes, whether they were made available by the State, and the experiments were held pursuant to an order of the State?

MR. PIENKOWSKI: Here are included experiments on prisoners on

which the physician could not have carried out if it was these prisoner criminals had not been made available by the State. I would like to review the Tribunal of the Securit submitted by Professor Lindbergh regarding the malaria experiment on 800 prisoners. However, I have not included this document in this document No. 2. The experiments in part were carried out in mental institutions, that is, in closed institutions in which the physician has access to the patient only if the governmental official in charge of the institution permitted it.

DR. HARRY: Your Honor, I can see that Dr. Fleming and I agree two-hundred percent. We are not clear in here that experiments as such are illegal or criminal. These extracts are not evidence of criminal experiments. If they were extracts of criminal experiments, they would not hide the fact - - - then they would have hidden the fact that they experimented on human beings. In addition he states to you of using persons in insane asylums. As to the charge of Professor Lindbergh of experimentation on people in mental institutions, and typhus camps, it is perfectly legitimate. We are clear in here with criminal experimentation on non-volunteers, and this material has absolutely no bearing whatsoever on what is before this Tribunal.

DR. FLEMING: Your Honor, the Dr. Lindbergh said that the charges are only with the carrying out of criminal experiments. Let me point out that experiments can be criminal only either because they are carried out on persons who do not volunteer, or because they are carried out in such a way as to be stated to be criminal, as an experiment on human beings per se is not criminal, and is what we want to prove by referring to experiments that took place throughout the world. Then only the question will remain, were they experiments carried out in such a way or nature and the way in which they were carried out, to make them criminal, and that is what I want to put in these documents.

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Court No. 1.

JUDGE SWERING: Dr. Flawin, I understand the position of the
Prosecution

was that they would agree with you that ordinarily speaking experiments upon human beings per se were not criminal, that was my understanding of what Mr. Hardy said. Provided, of course, as Karl Brandt had stated from the witness box, the witnesses were volunteers, and the results to be expected were results which would be beneficial, and the expected results or anticipated results would be known to the physician by virtue of the fact that the field had been explored so far as possible as to experimentations upon animals, and that the contemplated experimental subjects would be given full information concerning the nature of the experiments, and the results expected, or actually expected to be encountered. It may be I am in error in my recollection, but it seems to me that is in essence to what Dr. Karl Brandt said from the witness stand. Now if these extracts of scientific work, I suppose taken from books, periodicals and scientific or medical treatises I disclose the state or the condition of the human beings upon whom the experiments were being conducted. That is to say, does it disclose that they were or were not voluntary subjects? Does it disclose that they were inmates of the institution, and were made available by order of a governmental authority without having any choice in the matter of whether they would or would not be selected as experimental subjects?

DR. FLEMING: In few of the experiments they are experiments on persons condemned to death, as is the case here in this court. In other cases they are experiments on children.

JUDGE SEHRING: Is that made to appear by the extracts offered?

DR. FLEMING: They were children, yes.

MR. HARDY: Dr. Alexander has been reciting this, and he can not find such a notation as it is stated by the defense counsel. It maybe we might proof read this document more carefully.

JUDGE SEHRING: I have been scanning them, and the documents I have scanned so far do not disclose the status of the experimental subjects.

DR. FLEMING: I am afraid that the translation was not correct. The translation said "The condition." I said, you can mean whether or not

they were volunteers, didn't you?

JUDGE SEEKING: Precisely, yes.

DR. FLEMING: It is my opinion that persons in a mental institution, in prison, and children can not be volunteers, and for this reason I am of the opinion that these experiments safer as they are carried out on such persons are all exactly of the same sort as experiments here under discussion at the moment.

JUDGE SEEKING: Are you agreed to that statement on behalf of your client that it is impossible for a person incarcerated in an insane asylum, or children hospital, or other public institution to give a valid consent to experimentation upon a person?

DR. FLEMING: A person in a mental institution in my opinion could never give his permission for an experiment to be carried out on him, because he is not in a position to be rational about the whole question.

JUDGE SEEKING: I understand that perfectly, but do you confine your statement to that particular individual who because of mental deficiency is incapable legally of giving consent?

DR. FLEMING: No, but I am submitting these documents and I want to show that everywhere in the world no objection is raised by the public against experiments of this sort. The experiments have been public, no one objected to them, and it shows that attitude in the whole world is that experiments can be carried out on such persons if scientific interest makes it necessary. The public then sees it also as ethically necessary, necessary from the ethical point of view and has no objection.

MR. HARDY: Your Honor, the Prosecution will stipulate that experimentation throughout the world is permissible on voluntary subject, and will stipulate that fact, but will not stipulate that experimentation is admissible or permissible on non-volunteers in any section of the world. In view of the fact that most of these documents that will be introduced are of that nature, then I don't see any reason for them to be put into evidence here.

DR. FLEMING: To the extent that experiments are carried out on prisoners, it is everywhere in the world the fact that these experiments are carried out on persons who exercise this will, but this will is so limited by the fact they are in prison they cannot give any voluntary consent, and I say again I have not in any manner in my document book given a single experiment where the subject was voluntary. In most places where any literature, there is mentioned that experiments were carried out on so and so many volunteers. Now I don't include these cases in my book. Where over that statement was not made, I assume they were not volunteers, and I have not included these experiments in my document book.

THE PRESIDENT: The Tribunal will be recessed at 1:30 o'clock and will examine the different documents in the mean time.

(Recess of the Tribunal until 1330 hours, 3 April 1947)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 3 April 1947.)

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: The Tribunal has examined documents contained in Mrugowsky Book 2....

DR. FLEMING: May I make an explanation first? It has been brought to my attention that apparently on the question of the voluntary nature of the people in prisons I expressed myself incorrectly. It is, of course, possible that there is a certain degree of voluntariness on the part of people in prisons but in the case of persons who are so limited in their freedom of movement when in prison we must assume that in contrast to people who can move freely it cannot be assumed that they are volunteers if they place themselves at the disposal of such experiments. It is possible that people did volunteer in prison, as the article in LIFE shows about the 800 prisoners who volunteered for malaria experiments.

THE PRESIDENT: The Tribunal has examined Mrugowsky Document Book 2 and, as it occurs to the Tribunal that some of the other defendants might offer similar documents in evidence before the conclusion of the trial, that it would be advisable to postpone a definite ruling upon this matter until the last defendant has closed his case, at which time, if other documents have been offered, they can all be considered together. If no other documents are offered at that time, the Tribunal will then consider the offer of counsel for Defendant Mrugowsky of documents in his Book 2.

MR. HARDY: In view of the Tribunal's ruling, then, when documents of this nature are submitted, will it be necessary for me on each occasion to render a formal objection or, on documents of this nature, can we reserve our right to object until the end of the examination of each case?

THE PRESIDENT: Yes, that would be in such documents as this, publications, whether in newspapers, magazines, or books, which are offered in evidence and which correspond to those documents contained in

Brugowsky Document Book 2. These documents will all be considered when the last defendant has rested his case and objections may be reserved until that time because the Tribunal will not consider, from this time on, the admission of evidence of this nature.

MR. HADDY: Thank you, Your Honor.

THE PRESIDENT: It is understood, of course, for the record, that this ruling preserves the right of Defendant Brugowsky to offer this document book at some later time.

DR. FLEMING: Then I should merely like to ask to reserve the right, Mr. President, for submitting a number of affidavits and other documents later, which have not yet been translated.

THE PRESIDENT: You mean, of course, documents of similar nature to those contained in your Document Book 2?

DR. FLEMING: No, documents of a different nature,--affidavits and similar evidence, such as in Document Book 1.

THE PRESIDENT: And you say that these documents are not now ready to be presented to the Tribunal, is that correct?

DR. FLEMING: Yes, that is right.

THE PRESIDENT: It has not been the policy of the Tribunal to close the door to evidence which may be competent evidence which may be offered, material evidence, by other defendants as their cases are heard, before the last defendant has rested his case. The Tribunal understands that the defendants are under some hardship in preparing their evidence as the matter will be acted upon and any defendant will be heard before the defendants have closed their case and other evidence may be offered and will not be rejected upon the ground that it is offered too late-- I mean upon the ground alone that the evidence is offered too late.

DR. FLEMING: Then; at the moment, I have nothing more to submit in the Brugowsky case.

THE PRESIDENT: I understand then, Counsel, that all the documents contained in Document Book 1 and Document Book 1-A which you desire to offer at any time, have now been offered?

DR. FLEMING: Yes, they have all been offered.

DR. SEIDL (For the defendant Herta Oberheuser): Before I ask the Tribunal to call the defendant Dr. Oberheuser to the witness stand, I should like to offer the affidavit of a witness whose examination has been approved by the Tribunal. In view of the fact that this witness, Margaretha Mydl, who is in Berlin, has not yet arrived, I shall first offer an affidavit. It is possible that after the presentation of evidence in the case of the defendant Oberheuser I shall be able to dispense with examining this witness before the Tribunal.

THE PRESIDENT: Has the document book been prepared for the defendant Oberheuser?

DR. SEIDL: Mr. President, the documents for the defendant Oberheuser are in the same document book as for the defendant Dr. Karl Gebhardt, which has already been offered. Other documents are in Document Book 2, which will be offered later. In view of the fact that the witness has not yet arrived, I should like to read merely this one affidavit out of order. The affidavit reads as follows --

THE PRESIDENT: Are copies of this affidavit available for the Tribunal?

DR. SEIDL: I beg your pardon, Mr. President, I assumed that copies had already been given to the Tribunal, but I still have a few translations.

MR. HARDY: Your Honor, as I understand it, apparently this is the same document book which has been put in for Gebhardt, Fischer, and Oberheuser, and this is an additional affidavit to that document book.

DR. SEIDL: Yes, that is correct.

THE PRESIDENT: That is my understanding.

DR. SEIDL: The affidavit reads as follows --

THE PRESIDENT: What number do you assign to this exhibit?

DR. SEIDL: I shall give it the number of Oberheuser No. 1. I quote:

"I, Frau Margaretha Mydl, resident at Berlin, G 112, Ebertstrasse 5/11, have had my attention called to fact that I make myself liable to punishment if I give a false affidavit. I declare on oath that my state-

ment is true and correct and that it was made in order to be submitted as evidence to the Military Tribunal No. 1 at the Palace of Justice, Nuremberg, Germany.

"On 13 January 1943 I was for political reasons sent to the women's concentration camp Ravensbruck. The reason for my detention in this camp was the fact that I had uttered insulting remarks about the wife of Reichsfuehrer SS Himmler.

"Already ten days after my arrival in the camp, viz. on January 24, 1943, I fell seriously ill. I was taken to the sick bay of the camp where the camp physician, Dr. Rosenthal, was to treat me. Dr. Rosenthal, however, did not concern himself with me and I owe it merely to the help of other prisoners that Dr. Rosenthal did not, on account of my exceedingly poor general state of health and my serious illness, kill me or lighten my death after six days by an injection. He evidently doubted my recovery.

"After three weeks in the sick bay of the camp I was taken back to my block in a very poor state indeed.

"After eight days I was again admitted to the sick bay where Frä. Dr. Oberheuser treated me. She was the first to ascertain that I suffered from abdominal typhus. I further had erysipelas of the leg and inguinal rupture and furthermore suffered from an intense itch. Frä. Dr. Oberheuser gave me all conceivable care and also saw to it that I received a suitable diet, although I was only a skeleton and weighed 84 pounds instead of 126 when I was put under her care in the sick bay. Frä. Dr. Oberheuser did not only see to it that I received good food but by giving me suitable medicaments she did everything that was in her power and that could help me, in strong contrast to Dr. Rosenthal, who did not concern himself with me at all.

"Frä. Dr. Oberheuser has used her influence for me and even reprimanded the nurse who refused to give me my medicine, and then ordered her to give me the prescribed medicaments and also the corresponding analyses.

"But Frä. Dr. Oberheuser did not only help me by doing everything within her power. I can testify from my own observation and from the reports of other fellow prisoners that she also tried to help other patients who were really ill, and that she treated the sick in a decent and humane manner. One must, however, not overlook the fact here that the prisoners contained many anti-social elements, prostitutes, criminals with repeated previous convictions, and other persons who wrongly laid claim to the attention of the sick bay at the cost of the really sick.

"To sum up, I wish to state that Frä. Dr. Oberheuser, in spite of difficult conditions and though she herself was obviously bound by the instructions of the camp physician, has treated me well during the many months of my illness and that she did everything to restore my health. In the same manner she tried to help the other patients of the sick bay whenever she could and I never saw that she mistreated a weak patient.

"I make this statement voluntarily and I want to emphasize that the attention of Frä. Dr. Oberheuser's defense counsel was drawn to me by a letter which I wrote him of my own accord on 16 January 1947.

Berlin, 20 February 1947." Signed: "Margarethe Mydlie nee Kuhn."

Then there follows the certificate of the notary. This document, as I have already said, will be given the Exhibit Oberheuser No. 1.

Mr. President, I ask the Tribunal to call the defendant Dr. Herta Oberheuser to the stand.

THE PRESIDENT: The defendant Herta Oberheuser will take the stand.

HERTA OBERHEUSER took the stand and testified as follows:

BY THE PRESIDENT:

Q. What is your name?

A. Herta Oberheuser.

Q. Will you repeat this oath after me: I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SEIDE:

Q. When and where were you born?

A. I was born 15 May 1911 in Cologne on the Rhine.

Q. The prosecution has already submitted your affidavit in which you described your life briefly. This is Prosecution Document No. 37. I ask you now to describe and to supplement your affidavit concerning your life and also your scientific training.

A. I come from a middle class conservative Christian family. My father is an engineer. I spent my youth in Duesseldorf and attended the Louisenschule, the city school in Duesseldorf, from 1918 to 1931. I graduated from this school. Then after the inflation there were financial difficulties for my parents and I was forced to finance my studies in part myself. I attempted to do so by giving lessons and by helping a doctor in his practice. My pre-clinical semesters I studied at Bonn and from the fourth semester I was at the physiological institute under Professor Abbeke. During my clinical semesters I was in Duesseldorf and I took the state examination there.

In my affidavit I said that I was a member of the SDN, the Hitler Youth Girls Organization. This came about in the following way. As a senior medical student we were called upon to plan ourselves at the disposal of the SDN; that is, we were ordered because there were so few female doctors in Duesseldorf. I found young girls there who had been forced into this organization; they had to rush about to do and to such service. The parents had already objected to this. I tried to do something to alleviate these conditions and we examined the girls medically. We were present at sport meetings in order to avoid leaving the young girls to their young leaders so that they would not over-exert themselves. This was a purely medical activity and this was part of the reason why I later became a party member.

Q. Well, after you finished your studies and after you finished your examinations, where did you practice as a doctor and were you inde-

pendent in that position?

A. I was never independent during my activity. First I went back to the Physiological Institute in Bonn under Professor Ebbecke. I remained there a rather short time since I had to continue my clinical training. Then I went to the medical clinic in Duesseldorf under Professor Ebens. I decided to specialize in skin diseases and study at the skin or dermatological clinic. I went to the dermatological clinic at Duesseldorf and completed my specialized training there.

As I said, I never worked independently. I had the position of a voluntary assistant there. Then there were some financial difficulties for me and since my father was seriously ill for a long time I was forced to earn my living myself. There was no possibility for me at the clinic to receive a position under the budget and so I looked for another position. I was offered a position that seemed favorable to me and I went to Ravensbruck to the women's camp. That was in December of 1940. Because being a woman, the difficulties there were increasingly great for me and I tried to change my place of work. In June of 1943 I finally succeeded in that and then I came to the sanatorium of the Red Cross under Professor Gethardt and worked there until the end of the war.

Q. So you were a specialist in skin diseases, and venereal diseases?

Jan.

3. How was it that in 1940 you went to the concentration camp
Buchenwald? How was your attention drawn to this?

... In a medical journal I saw an announcement that a specialist for skin and venereal diseases was wanted in a women's training camp, the financial possibilities were rather favorable, the camp was near Berlin, and I decided to work there.

2. The advertisement in the national periodical referred to a woman's training camp. Were you in EvansGrundy's an independent sector, and what were you up to there?

2. I did not know of the camp before. I learned of it only when I read the announcement in the paper. At that time, at the end of 1940, there were about three thousand women and the organizing it into an hospital was quite orderly. I was never independent there. I was under the instructions of the post physician. However, he left me freedom to work as I like in my own specialty. But suddenly I found myself on a different staff. I was not able to adjust to this at first. It took weeks until I had become used to it. The administrative and disciplinary matters all went through military channels. I was outside of the military organization; I was not wanted here; and I withdrew to my own specialized field. I had nothing from the German nurses. I worked only with the prisoner nurses who helped me in my own line work. These prisoner nurses were composed of doctors, nurses, and students. There were Poles, Czechs, Germans, and, finally, Russians. These workers were assigned by orders, who had been assigned to work in the hospital. They took charge of the ambulatory patients, and I found the impression that they liked working with me. They saw the enormous danger for their political prisoners since there was an enormous amount of venereal diseases. In the big Düsseldorf clinic I never had so many fresh cases as in this camp. Not only venereal diseases, but also skin

diseases were widespread. I showed the nurses the diagnosis and discussed therapy with them. My relationship with them was an official one, but I always maintained a clinical tone with them. I believe it is easiest to understand my work if I briefly describe a working day. The patients were treated, medicines were given, the dressings were applied, and patients where the diagnosis had not been cleared up I gave appointments for the afternoon. At certain hours in the morning there was treatment of syphilis cases. This lasted until the 1 to 2 hours of the morning. The rest of the morning I spent visiting the wards. In the afternoon service began at two-thirty but usually I did not start until 3 since the number of patients to be treated had to be considered and the time I had. First I could not handle more than thirty in the morning. Then I looked at the special cases, the clinical reports were completed out, and I also looked at the new preparations in order to be able to begin and to be able to isolate the people if necessary. At the end of the working day I examined the clinical reports and the progress. Here I gained insight for the first time into how great the number of skin and venereal cases is in such a camp. I was in contact with the head of my Dusseldorf clinic in order to keep myself informed on this. He also advised me so that I should introduce the most effective therapeutic methods here, and he advised me in cases which occurred during the war especially and which we had not known before.

Q. If I understand you correctly, your activity, in other words, consisted of the treatment of people with skin diseases and venereal diseases?

A. Yes; and then I treated everyone who asked me for it.

Q. Now, in 1940, when you joined the camp, what the general conditions there, and, above all, the conditions as regards medicine?

A. At the beginning the camp had about three thousand women, and the number gradually increased in the course of time. In the beginning the camp had about three thousand women, and the number gradually increased in the course of time. In the beginning it was 75%, I think

any, criminals. These were prostitutes and persons who had been convicted previously. There were very few political prisoners at that time and almost no Jews. In the course of time the numbers gradually increased; and more political prisoners, and more foreigners, came to the camp and, of course, the number of skin and venereal disease cases also increased gradually so that the work became greater and greater, and here we had to avoid contagion. The arrangements of the hospital were those of a specialized practice. Medicines, instruments, and dressings were available in adequate quantities.

Q Now, how did things proceed in subsequent years?

A As I have already described, the number of inmates increased gradually and the number of patients also increased. As I have already said, they were not only political prisoners but also criminals and very many of them. I was forced to keep a certain distance. This was ordered and it was also necessary. I tried to make a middle path here. I gave my assistance to everyone who asked me for it; and I treated everyone equally; and I believe that the patients were quite satisfied with the care I gave them.

I was aided by the prisoner nurses. I was on good terms with them. I had no help from the German nurses. They had no interest in my specialty. Perhaps there was too much work in my department. They preferred to help my colleagues; and they worked in the laboratory, in the pharmacy, or in the operating room. I had to rely on myself for all my great amount of work. My colleagues lived and acted according to other principles, which were foreign to me, which I did not know from the clinic, and which I rejected.

I happened to be told once before I went on leave when I was taking care of my patients, "I suppose you imagine that the hospital can't get along without you." I had to listen to this as a doctor fulfilling my duty, when the patients meant everything to me. The nurses and doctors were an SS clique who were hostile to me. I was not wanted; and I did not feel at home among them.

It was different when Prof. Gebhardt and Dr. Fischer came to the camp. Here again I was working with the head of a clinic and a clinic assistant; and they recognized me as a ward doctor. This was the clinical circle to which I was accustomed; and I looked to them for help as a woman and as a doctor, and not to the people whose feelings and actions did not correspond. In the presence of Prof. Gebhardt and Dr. Fischer the camp doctors tried to keep busy; but this came to an end as soon as the men from Hohenlirchen had left.

Q Did your activity in the camp of Ravensbrück become congenial to you?

A I was supposed to help the women who were in custody here; and I was to protect the political prisoners from contagion. For the sake of the patients I tried to stay in the camp and not to escape for selfish reasons. I was able to help individual patients. I could not change the camp as a whole. I could not help anyone to be released; and I had no disciplinary authority. So I tried to hold out. But conditions became constantly worse; and it was no longer possible to go on.

Medicine began to become scarce so that medical care became more difficult. Then there were difficulties in getting out for I was obligated to serve. I did not know how to get out. The only chance was when Prof. Gebhardt came; and I asked him for help.

Q At the beginning of your examination you described that in 1940 you went to Ravensbruck on the basis of an advertisement in a scientific periodical. Then, in other words, you went voluntarily?

A Yes.

Q But you also said when you answered my last question that you were obligated to serve?

A Yes.

Q I conclude from that that later on you could not leave the camp without having special permission first?

A After a short time, perhaps three months, I had been obligated to serve; and I was not able to get out any longer.

Q In 1943 when you actually left the camp, you did that because of Prof. Gebhardt, who helped you with the authorities concerned?

A Yes.

Q Both Dr. Gebhardt and Prof. Fischer talked about the sick bay before, the sick bay which was in the Ravensbruck Camp. Can you confirm what they said?

A Yes. The hospital consisted of three barracks. One was the clinic and two were wards. The hospital was constantly being enlarged as the number of patients increased. The barracks which was used as a clinic

for out patients had a dressing room, a gynecological examination room, and X-ray room, a laboratory, a pharmacy, and so forth. The wards had single beds and small and large rooms. The beds were made up with sheets. The patients were given underwear. The barracks had central heating, running hot and cold water, baths; and we also had a small diet kitchen. There were prisoner nurses taking care of the patients, Poles, Czechs, and so forth, as I said before.

Q I now come to the sulfonamide experiments which are part of the prosecution's indictment. These experiments began in the summer of 1942; and I am now asking you how was it that you yourself came into contact with these experiments, and what did you think at the time?

A A short time before the experiments began, I was told by the post physician -- that was at that time Dr. Schilensky -- that I was to evacuate a few of my rooms. He did not give me the reason at that time. Shortly before the experiments began, Prof. Gebhardt and Dr. Fischer came with the post physician and some other gentlemen, but I cannot remember who they were anymore. They inspected the rooms. Prof. Gebhardt told me that experiments were to be carried out on women who had been condemned to death. I was astonished; but he said that these experiments had been ordered by a very high authority; that the State had ordered it; and that everything was legal; and that the persons concerned who had been condemned to death would be given a chance to be pardoned. He also stated that the experiments would not be dangerous.

After I had thought it over and considered that they were to be conducted by Prof. Gebhardt -- whom I had not known personally before, it is true, but whose reputation I knew because of his big clinic -- I said to myself, "If Prof. Gebhardt carries it out, it will probably be right." And, besides, there was a chance for the women of being pardoned; and, finally, the experiments would not be dangerous.

Q Were you put into contact with these experiments by an outward factor; in other words, that is to say, by the fact that the patients were housed in rooms near the operation theatre and that these rooms were

a part of your station?

A Yes. There was no connection with the other stations at the time; otherwise I would probably have learned nothing about it.

Q Were you present at any of the conferences which were held before the experiments began among doctors who took part in the experiments, or were you present at any of the conferences connected with the experiments?

A No. I had to take care of my duties as the doctor in charge of the ward and nothing else.

Q So you did not hear what the object of these conferences were which Dr. Gebhardt described here in this court and which he held with Himmler, Dr. Grawitz, and other people?

A No.

Q Did you take part in selecting experimental subjects?

A No.

Q But you knew that the experimental subjects were Polish women sentenced to death and who were to be pardoned afterwards?

A Yes. I had no knowledge of the legal situation; but I knew that the women came from a block which was especially guarded and that these women were supposed to be condemned to death because of espionage or something like that. Also, we were not allowed to go out of the camp to work but had to remain in the camp. I also knew that they were to be pardoned if they survived the experiments. I observed one case where a patient in a sulfonamide series was actually pardoned. Whether the others were pardoned I do not know.

Q In this one case which you are thinking of, would you like to say that this experimental person was released?

A She was pardoned and at the same time as her Germanization released.

Q But you were not told what form the pardon should take in general and you thought that they could not be executed?

A Yes.

Q When the experiments started, did Prof. Gebhardt or another doctor tell you what were the problems of these experiments and how the experiments should be carried out in detail?

A No.

Q Did you yourself have any scientific interest or any other interest in the carrying out of experiments which came up?

A It was not in my field of interest.

Q I once again come back to your position in the camp. You were not independent, you told us before?

A No.

Q Quite obviously you were under the Post doctor, and there was perhaps a second camp doctor, is that correct?

A Yes, I was under the Post physician, but he left me a great deal of freedom in my own field.

Q Now what was your activity on the sulfonamide experiments?

A Actually I was only at work as the station doctor. I had to see that the patients would be given their medicine regularly, and that they were nursed. I was present when the dressings were changed, and in general I conducted myself according to what Professor Gebhardt had told me: "Nurse according to our directions and do not worry about anything else", and I tried to do so.

Q How were the operations prepared which became necessary for the experiments?

A As I already said, as my duty as ward physician, I received a list of the patients from the camp administration, and I examined them, as is customary before any operation in which an anesthetic is necessary, I looked at the skin, and examined the heart and lungs. I also saw to it that the patients were bathed; that they were shaved before the operation; that the temperature was checked, and that they were given morphine before the operation.

Q Did any experimental persons complain to you or

resist you?

A No, I had the feeling that they were satisfied with my treatment. I was working under a clinic chief, and all the drugs, and so forth, necessary was brought from Hohenlychen. One could really work in the clinic here.

Q Did you yourself carry out operations in connection with experiments?

A No, I was a Dermatologist.

Q You never carried out any operations yourself?

A No.

Q What were your tasks after the operations?

A May I ask you to repeat your question.

Q What was your task after the operation, and what did you do during the operation?

A I had no special task here. So often I administered the anesthetic, and in general when a patient was operated upon I saw to it that the next patient was given anesthesia. This always had to be done very quickly, since the operation was a very short one. Then I helped to apply a dressing, or a plastic cast, and sometimes I put on a lamp. The method of the operation was pointed out to me so that if necessary I would be able to loosen the dressing, not to get into the area of the wound. Of course, the physician said I was merely an assistant.

Q What were your activities after the operation?

A I had to see to it that the medicine was administered at the proper time, and I had to act carefully according to instructions of Professor Schmidt and Doctor Fischer. I also checked the dressings for pressure and so on. I supervised the nursing, I saw to it that the patient was in a proper position. I also watched over the diet clinically and I saw to it that the blood tests and urine tests were

taken. I also made charts, and I was present when the dressings were changed. I had the feeling that the patients liked it if I was present when the dressing was changed.

Q. Did you work independently on those occasions, or were you here again dependent on Professor Gebhardt and Dr. Fischer's orders?

A. I never worked independently. I always adhered strictly to instructions of Professor Gebhardt and Dr. Fischer.

Q. How were the women treated who in connection with the experiments were housed in the sick bay of the camp?

A. They were in small rooms. They had single beds with sheets, and they were given clothing. They were given better food, and as I said at the beginning, they were cared for by prisoner nurses, mostly Poles and Czechs; and there was a night guard. The treatment was a clinical one. They lacked nothing. If they needed vitamins, the vitamins were brought from Buchenwald. Whatever they needed was brought.

Q. The witness Wladyska said that women operated on were treated only on the first days after the operation, and that afterwards they were neglected. What would you like to say about that?

A. They were under a constant medical control. Daily reports were sent to Buchenwald. When there were any minor changes in the case, a report was sent to Buchenwald, and Professor Gebhardt and Dr. Fischer came. I remember that it even very frequently happened in Buchenwald. I always kept an eye on it that the drugs and medicines were administered at the proper time. Also there was a regular change of dressings, and I also had nursed; medicines which had to be given intravenously, I administered myself and did not

leave this for a nurse. The general care was under prisoner nurses, primarily Polish prisoners.

Q What do you know of the clinical progress in the various groups of experiments, and what can you say about the deaths?

A I can not judge the results in the individual cases. I know only from cases from August until October there were no special developments. Progress was like in the case of an abscess. In November the situation changed a little. I was rather frightened. Professor Geheerit and Dr. Fischer immediately stopped all the experiments, and took a great interest in the sick patients. They were operated on. They were given the necessary drugs. They were immobilized in plaster casts. They were given blood transfusions. They were given generous serum. Everything possible was done. Unfortunately, there were three deaths, although these people had been given exactly the same treatment, and everything possible had been done for them. Unfortunately they died. I was called when they died. This was not a quick death. Directly following the operation were convulsions. In my work at the same time I had a number of other seriously ill patients, and it is possible that some of them died.

Q The witness Dydo, who has been here before this court, answered the questions of the Prosecution by saying that you had been quite a good doctor. I would like now to ask you, did you treat the witness Dydo better than any other person?

A No. I treated them all in the same way, and I gave help first to the person who needed it most urgently.

Q You saw the affidavit of the witness Dydo, which I read before. Are the statements by that

witness correct, and did you perhaps give particularly good treatment to that patient, preferring her to others?

A I can not remember this person. Of course, I would recognize her if I saw her.

Q But you gave no different treatment to her?

A No, I treated all patients in the same way.

Q One witness said that you hit her in the face when she woke up from her anesthesia, is that true? I would like to add here that Professor Gebhardt expressed his opinion on the general question here: that it is quite a frequent thing for a patient to wake up, and have a wrong impression, or form a wrong impression?

A I certainly did not mistreat any one, and certainly not any one under an anesthetic. But I have already said that I took great pain on behalf of a patient, and that it is possible that where a person had been operated upon, and was coming to again, that I pushed her lower jaw and perhaps shook her for her to breathe. It is a well known fact that a patient remembers that person and misinterprets what is being done to them.

Q Did Professor Gebhardt visit quite frequently in connection with the sulfonamide experiments; was he present when the dressing was changed, and the operations were carried out?

A Yes.

Q And what was your impression regarding his attitude towards the experimental subjects?

A I frequently saw Professor Gebhardt when dressings were changed. He was very considerate, and much interested by the medical practice. He did not permit a patient to express pain, an anesthetic was immediately administered. The face was covered. The wounds were carefully taken care

of, and he was very careful about sterility. The patients were pushed to the dressing room, that was the clinic style to which I was used to in Duesseldorf.

Q The operations themselves were usually carried out by Dr. Fischer, were they not?

A Yes.

Q How did he treat the patient? Do you know of any complaint on the part of the experimental subject so far as the patient was concerned?

A I know of no complaints on the part of the experimental human persons and he was considerate towards the patients, and I had the impressions that it was very difficult for him for reasons of humanity to carry out those experiments. I never heard any complaint from the patient. He was always friendly, although he did not talk to the patient very much. Professor Gebhardt as well as Dr. Fischer afterwards were attentive on the patient.

They were not merely operated upon, but they were given proper attention until the healing was complete. If there was any danger, Professor Gebhardt and Dr. Fischer came regularly. When we had those three deaths, and when some other patients were seriously ill they came.

Then perhaps in December there were three patients who were out of any danger, and I was given instructions of what further treatment they were to be given. This was chronic separation. I went on leave, and I turned these three patients over to the post physician. In the spring of 1943 these patients were still under treatment. I continued to treat them, but there was no necessity to ask for help from Hohenlychen, although I could have done so at any time. There was no general illness and no temperature.

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Then perhaps in December there were three patients who were out of any danger, and I was given instructions of what further treatment they were to be given. This was chronic sepsis. I went on leave, and I turned these three patients over to the post physician. In the spring of 1943 these patients were still under medical treatment. I continued to treat them, but there was no necessity to ask for help from Hohenlychen, although I could have done so at any time. There was no general illness and no temperature.

In April 1943 I examined the patients once more and there was just a very small amount of supervision, and the patients were not suffering great pain any more. I informed Professor Gebhardt of this. There was no question of any further treatment, baths, or massage since this was infectious separation and the only treatment that could be given was ointment and dressing.

Q. Did you yourself have anything to do with the scientific evaluation of these experiments?

A. No.

Q. Professor Gebhardt and Dr. Fischer said that on 24 May 1943 at the third meeting of the consulting specialists doctors reported on these experiments; that is to say, to the Military Doctors Academy in Berlin. Were you present at that time? Did you hear the reports and lectures?

A. No.

Q. In the course of this trial Dr. Stumpfegger was mentioned frequently. Did you yourself know Dr. Stumpfegger?

A. From about October 1942 until the Spring of 1943 he was in Bayreuth repeatedly.

Q. Did you yourself have anything to do with Dr. Stumpfegger's experiments?

A. The experiments were quite different from the sulfonamide experiments. Dr. Stumpfegger came alone. He was not with Professor Gebhardt or Dr. Fischer. I, as a ward doctor, had virtually nothing to do with these experiments. Dr. Stumpfegger generally made the preparations himself; that is, he examined the patients before the operation, or it may have been that I had examined some of them in the Summer for the sulfonamide experiments, but they were not operated upon. I cannot remember exactly. I did not assist him at the operation. In the ward I did not have much to do with these people since they were in plaster casts and were able to get up very soon. My duty was merely to see to it in the first few days whether there was pressure or congestion, and I also had

to administer morphine in the first few days. There was no temperature and the patients hardly needed any help. They were able to return to the block very soon. The X-ray checks and the removal of the plaster casts Dr. Stumpfegger took over himself. I know nothing about the operation in detail. Dr. Fischer and Professor Gethardt I never saw here. Dr. Stumpfegger worked alone.

Q. As far as the experimental subjects were concerned which Dr. Stumpfegger used, were they Polish women who had been sentenced to death?

A. Yes.

Q. And it would appear that they were also married?

A. Yes, at least as far as I was or sent.

Q. The witness Hedke said that you, as doctor in the camp, had the possibility of saving these six women who, it is alleged, were shot. Did you really have that possibility, provided, of course, that you had known about all this?

A. I had nothing to do with the regular X-ray control. Dr. Stumpfegger did that and I did not learn about the incident and I had no disciplinary authority.

Q. You never heard anything about this whole affair?

A. I learned of it only here.

Q. And, after the trial here, you thought all the persons who survived the experiments were really pardoned?

A. Yes.

Q. In various affidavits it is claimed that in the summer, August 1943, in the so-called shelter of the camp, operations had been carried out. Do you know anything of such operations in the so-called "Bunker"?

A. In June 1943 I left the camp. I learned nothing here about it. I learned of it only here in the courtroom.

Q. In the camp of Ravensbruck were there any sterilization experiments carried out, or did you ever hear anything of such experiments?

A. I know nothing about any.

Q. Now, you described to the court your meeting with Dr. Fischer in

Ravenstruck. You described this activity; that you had to carry it out under difficult circumstances, but previously you said yourself once, in an affidavit - that is, that in a few cases you gave injections in order to shorten the suffering of certain patients and in order to make death easier to them. Do you recall that?

A. Yes.

Q. I will now ask you to describe to the court under what circumstances you administered this easing of death, easing of dying.

A. This matter, which was formulated so horribly in my affidavit, I discussed when I was interrogated in the British camp at Paderborn, and I spoke of it voluntarily myself. After I was questioned about the sulfonamide experiments, I was asked to speak about general conditions in the camp and particularly about the hygienic conditions in the hospital. I tried to represent things as they were, as I experienced them. I had to point out many things which seemed to me bad and inadequate. I expressed my criticism and opposition and I pointed out the special difficulties which confronted me, because in contrast to all the SS personnel I was quite isolated, and in the beginning I tried in cases of emergency to help the patients with the thought of the suffering women who were prisoners and sick. I also said that at that time - it would be in 1941 and the beginning of 1942 - I still believed that for the sake of these patients I could not leave the camp for selfish reasons but that I would fulfill my duty in a better manner if I stayed with these patients in the camp. The interrogating officer then asked me about sterilization measures and the deportation of prisoners. I was not able to give him any information on these subjects. Then he asked about the care which was given them and the medical measures in the camp hospital. I described to him all the difficulties as far as I was able to observe them, and I told about my great work, the great amount of work in treating venereal diseases which endangered not only the prostitutes themselves but also the best elements, the political prisoners, and I told them about my efforts against the insect pests and the resulting

skin diseases, and I also talked about my work in the wards. I told them about the size of the ward and my many worries in connection with the work here since it was impossible to send seriously ill patients to a hospital, so that in the two years there I was at first able to treat the patients there and later only to nurse them; the patients in the final stages of one of the worst diseases against which medicine is still powerless today - I mentioned the common form of syphilis and cancer in women.

These diseases I considered so terrible because I had no opportunity to give any real assistance to the patients there and because the patients were so completely helpless in their suffering. This will always remain one of my worst memories. These cases were much more frequent there than in any other hospital and I was alone against all this suffering without being able to turn to a chief physician with confidence and I could not go to anyone for advice.

For the final stages of syphilis there was no clinical care, the patients were generally suffering from a complication with their nerves and had an attachment for their former lives. They asked me every day to help them and to release them from their suffering. The women suffering from abdominal cancer in the final stages were in a coma suffering. I asked frequently whether they could not be sent to a larger hospital for the only possible therapy, radium treatment, but I was told that this was impossible. Therefore, I had to leave them with the dispenser nurses together with the rest of the patients.

A cancer led to a loathsome secretions, which made the suffering of the patients even worse. I was much increased with the pain and this was increased by a stench of the disease itself. Many of the patients in their physical and mental distress asked me to be kind with me to give them an injection to release them from their suffering.

At the beginning of my work at Ravensbrück, in 1941 and the beginning of 1942, when I was a young doctor, very clearly for the first time how difficult the medical profession is and which places a person before such difficult decisions. I felt so alone because I had no old experience, I didn't know where to ask for advice and I had had at the clinic in Düsseldorf. I have a bad memory of it, so I do not

remember the number of patients who went through my ward, but I do remember that there were many of them there, for sure more than 100, but there were only a few of them who were suffering unimaginable things and who pleaded with me for Euthanasia. As I have already said, this was generally patients in the final stages of syphilis or an extended cancer. The patients lay there without any possibility of aid and waited for their painful death. They were a picture of heart breaking misery. I can still hear their cries for help. In my distress, I remembered what was done in a big clinic in such cases, I remembered that in such cases, the wish of the hopeless sick person was carried with. I decided on my own responsibility, as a doctor, to act in the same way and then I asked my medical reporter, the post physician and when I had his approval, I went back to the sick room, I stopped all the drugs and then increased the drugs alleviating pain. In a few cases, perhaps four or five, I sat down by the beds of patients who had asked for my help and in the presence of the prisoner nurse I gave them an intravenous injection so that they would go to sleep. I used morphine and a mixture I received from the post physician. In these four or five cases the patients were suffering from late stages of syphilis or the last stages of abdominal cancer. These women had described their suffering and their pain to me exactly and they were German, who had expressly asked me to do this for them. In this hopeless situation, in view of the hopeless suffering, I did that and I had to act as I did.

A. More in this situation which is so difficult for me under oath, I can report about these few patients in 1941 and 1942 that this was merely a case of euthanasia which was necessary from a medical point of view; and the patients had asked me for it. They had been in my ward for a long time. They had asked me repeatedly to relieve them from their suffering. They were women to whom I could talk well in German; and I am certain that they were German citizens. I administered euthanasia after consulting my medical superior, the post physician and according to my own medical judgment; and I did so in the presence of the prisoner nurse at the time I thought it necessary to act in this way.

When in the course of time I became more and more opposed to the camp personnel at the end of 1942 and 1943, I no longer had performed euthanasia. Since the number of patients had increased because the number of inmates of the camp had increased, I was not able to maintain the personal relationship with the individual patients which I consider a prerequisite for any action of this kind. At the same time my distrust of the camp set-up grew. I was not able to leave the camp since I had to serve here. I tried to treat the skin and venereal diseases and, in addition, to help in the therapy of the internal clinic.

Q. It came about that I gave aid in only a few cases; but later when I did not know the patients well personally and no longer had confidence in the camp, I no longer did so.

A. My attention was soon drawn to certain translations. If I understood you correctly, you wish to say at the beginning that prostitutes and other anti-social elements suffered from syphilis?

A. Yes.

Q. But not the political prisoners at such?

A. No. They were merely endangered by the danger of contagion; and it was my duty to prevent contagion.

Q. Witness, concerning this Grant 1 of the Agreement with which

you are charged, I must ask you now which of the other defendants did you know at the beginning of sulfonamide experiments in the summer of 1942?

A. I knew none of them.

Q. You did not know Prof. Gohardt or Dr. Fischer? You met Prof. Fischer and Prof. Gohardt when they came to Ravensbrück for these experiments?

A. Yes. I merely knew Prof. Gohardt by reputation. I met him personally only when he came to inspect the prison.

Q. Now, my final question. In 1942 you were appointed doctor to Prof. Gohardt in Hohenlychen. Was it that time of it that you were your tasks in the Hohenlychen institution?

A. The difficulties which I had in the month of May I have already described; but I was trying to obtain help from friends. When I also said I asked Prof. Gohardt and Dr. Fischer to help me; and I confided in Dr. Fischer and asked him to talk to Prof. Gohardt about it. When he visited the camp, Prof. Gohardt called to him and considered that this was not the right place for these experiments. At that time about that with the aid of Prof. Gohardt and Dr. Fischer I left Ravensbrück and went to Hohenlychen.

I worked there as an assistant doctor in the women's and children's ward. I was very glad to take over the children's ward because in Düsseldorf at the time when I had worked in the children's ward. In addition to my activity in the clinic, I was also to care for the children of families of the prisoners of Hohenlychen. Also, the female employees often asked for help. When I helped in refusing transports and treated the sick children. Now I remember that I carried out a serious case in Hohenlychen and that Prof. Gohardt helped me. I was very glad that the imprisoned children suffering from serious diseases were treated. In short, I helped everywhere where help was needed by the prisoners. I was glad to give it.

DR. SEIDL: Mr. President, I have no further questions at this point.

THE PRESIDENT: The Tribunal will now be in recess until 9:40 o'clock next Tuesday morning.

(The Tribunal adjourned until 6 April 1947 at 0930 hours.)

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
8 April 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the court room will please find
their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the court room.

THE PRESIDENT: Mr. Marshal, will you ascertain that the
defendants are all present in court?

THE MARSHAL: May it please your Honor, all the defendants are
present in the court.

THE PRESIDENT: The Secretary-General will note for the record the
presence of all the defendants in court.

DR. WERTHA OBERHAUSER - Resumed

THE PRESIDENT: Do any of the defense counsel have any examination
of this witness? The witness is reminded that she is still under
oath. Counsel may proceed.

DR. WEISCHURER: (Counsel for the Defendant Siewers):

Mr. President, I ask for approval for the Defendant Siewers to be
absent from the session this afternoon. Like the other defense
counsel, I was not able to talk to my client during the last three days,
and to conclude the preparations for the case of my client, I need some
time this afternoon.

THE PRESIDENT: On the request of counsel for the Defendant
Siewers, Defendant Siewers will be excused from attendance at the
Tribunal this afternoon for the purpose of consulting with his counsel.

Since there are no questions to be propounded of this witness
by defense counsel, the prosecution may cross examine.

Q After they were sent to you was it necessary for you to examine these patients, or victims, to determine whether or not they were sufficiently healthy to undergo the sulfamylamide experiments?

A No, that is not true in that sense. They were not to be examined to determine whether they were capable of undergoing the sulfamylamide experiments, but merely as in the case of any other operations when an anesthetic is necessary. For cases with weak hearts and lungs an anesthetic cannot be used. I did not know what the consequences of the sulfamylamide experiments might be.

Q What examination did you give them? Did you give them the examination such as stated already in the evidence, merely a quick look, pass them on, and say, "They are suitable for this experiment"?

A I should like to point out that I did not examine them from the point of view of whether they were suitable for the experiments because I had no idea about that. I merely examined them to determine whether they could be given an anesthetic or not. I looked at their skin, listened to their heart and also tested their lungs, just as is done before any other operation when an anesthetic is necessary.

Q Well, now, you did assist during the operations and give the anesthetic to the victims, did you not?

A Sometimes I administered the anesthetic, but generally, as I said during my direct examination, the operations were very brief and I saw to it that one patient after the other was prepared for the operation.

Q Well, now, it was your duty, was it not, to care for the patient after the operation, that is, the post-operative care?

A We had to do this. The rooms were in my ward and then the patients were in my ward too.

Q You recall that you stated in your affidavit, Miss Oberhauser, Paragraph 4, that the operations were performed by Dr. Fritz Fischer, "sometimes I helped and assisted at these operations and had the duty to attend the patients after the operation." Now, was it or was it not your duty to care for these patients after the operations?

A I considered it my duty, and I hoped that as a woman I would be able to help because I saw a chance for the patients to be pardoned, and I thought I would be able to help them as a woman.

Q. Now, did the girls inquire of you for what reason they were being prepared for an operation?

A. No, I did not ask them that. Prof. Gebhardt told me, as I have already said on direct examination, that this was an order from a very high authority; that the State had ordered it; that it was legal; that the experiments would not be dangerous; and that these were Polish women who were condemned to death. They were in the block under the strictest discipline, and they were not allowed to leave the camp to work. When they came to me, they never offered any resistance, so that it seemed that everything was legal.

Q. Now, Miss Tarkenton, did you tell these girls before they were operated on that they would be pardoned if their operation was successful?

A. No, I had nothing to do with that.

Q. Now, you are about the case of the two girls, Miss Kusack and Miss Zarusky, don't you?

A. At the moment, I can't remember exactly.

Q. Well, there was a case where you delayed the execution of these two girls because they still had another X-ray to be taken?

A. I don't believe that is correct. I did not take care of the X-rays. That was done by Dr. Stumpfegger himself. He conducted the experiments himself, and he himself took the plaster casts off. He also took the X-ray pictures himself; and I know nothing about it.

Q. When these girls were being executed and the X-ray experiments, had they any more?

A. Yes, I cannot say.

Q. Now, would it not have been your duty to see to it that the sentences of those girls be commuted and that the camp administrators and Gebhardt and Fischer stick to their bargain and insist that the executions be cancelled?

A. In the first place I knew nothing about it; and then I should also like to say that my position was that of a sub-altern, assistant physician. I was a specialist. I had no disciplinary authority. I was in opposition to the SS. I could not express any wishes; no, I knew nothing about it. The only thing that I could do was to help the individual patient. Beyond that I could do nothing.

Q. Well, weren't you aware of the fact that the sulfanilamide experiments must have caused considerable pain to the experimental subjects?

A. As they were carried out, I believe that the patients did not suffer greatly. They never said anything to that effect either when being treated by Prof. Gebhardt or by Dr. Fischer; and I myself never had any difficulties. I always believed that they appreciated my care; and in addition there was the chance that they would be pardoned.

Q. Now, Doctor, did these girls walk around after they were operated on smiling and saying, "I'm happy that Dr. Fischer operated on me?"

A. No, it was not like that; but I never heard anything unfavorable. I never heard that they expressed any hatred against me. When the prisoners were of good, they were always glad to have me there.

Q. Now, did you never notice or did the eventual mental depression might have been caused by these pains and by the inability to walk, in particular, these girls in the control group?

A. May I ask you to ask your question? I didn't

understand it.

Q. Might you ever consider, Dr. Oberhouser, that eventually these girls would suffer extreme mental depression because of the pains that they endured during the course of the experiments and because of their inability to walk in later life?

A. Certainly they did suffer spiritually; but they did that before because they were expecting to be executed. They were living in the block where the people lived who were condemned to death; and during this operation they had a chance to be pardoned; and besides, only a small part of them became seriously ill. The others he led very quickly; and the case was merely that of a Castaneda.

Q. Now, before we proceed any further in this cross-examination, I wish to ask you. If I recollect from your answer some time since, you stated that it is possible, or true, that some of these girls were executed after they had endured the operations; isn't that right?

A. I don't know. I don't know anything about that. I know that they were in the barracks.

Q. You must have known that these operations would have had a lasting effect on these victims and would practically cripple them?

A. No, I could not know that because I was a dermatologist; and these cases were quite foreign to me.

Q. Now, suppose Dr. Oberhouser told you one of the girls was seriously ill, and Dr. Oberhouser or others were at Fort Leavenworth. How would you know if a certain doctor or not they should be called immediately to the bedside of that girl?

A. The doctor there would be responsible for the state of health of the patients, whether or not he reported any pain or

whether there were any minor changes. The post physician reported; and I was under him. In that case he reported immediately to Hohenlicken; and Hohenlicken was not far away. Then either Prof. Gebhardt or Dr. Fischer came, or both of them.

Q. Now, when was the last time that you saw any of the experimental subjects after the operations, apart from those whom you saw in this courtroom?

A. May I ask you to repeat that question?

Q. When did you last see any of the girls who had been subjected to these experiments at Ravensbrueck, other than the girls who were here in this courtroom?

A. I cannot remember any except for the one who was here. She yet had a skin defect; and I remember that I saw her last. The others were as good as healed. In cross-examination I have already said that in April I looked at perhaps three or four, and that nothing more was necessary except the application of ointment.

Q. Now, for how long after each experimental operation did you have the inmates under your observation?

A. Until they were healed.

Q. What was the latest time after the experimental operation at which you saw any of these inmates?

A. Now, of course I am no longer able to say that individually; but in the first group they healed very quickly, and then the witnesses whom we saw here took a little longer. I have already said that in April I saw perhaps three; and they received only ointment.

Q. April of what year?

A. 1945.

Q. Now, you saw these girls that were here in this courtroom, did you not?

A. Yes.

Q. Some of them were still ill, weren't they?

A. That was a final condition in which I can report nothing more because I am a dermatologist.

Q. Were there any plans made for regular follow-ups after the experimental operations?

A. I can say nothing about that. It is impossible after an infection, after an infectious supuration, to do anything. No baths can be given, and no massage.

Q. Did you ever give the girls any drug to relieve the pain after these operations?

Fischer and Professor Gohardt came over to look after the patients.

Q. Now does it happen the worthy Dr. Fischer was not present when those girls died?

A. I cannot say the hours of death exactly any longer, but Professor Gohardt and Dr. Fischer had been there before. They were at work, and they did everything humanly possible.

Q. Yet they were not there when the patients died?

A. I was there. I was called, but I can only say that everything possible was done. For after - while the strength of the heart becomes gradually reduced. This happens as it does in the clinic too; if someone lies in the clinic the ward physician is present. The previous treatment and everything that has to be done is ordered by the Chief Physician.

Q. Now, how many people had you experienced as a doctor prior to the death of those five or six girls in the experiments?

A. I do not remember that there were five or six experimental subjects. I can remember only three; and I can no longer tell you how many people I have seen die, but I had worked before in a clinic before that.

Q. Prior to those deaths as a result of such similar experiments how many people - you killed with your blood injections in the Lavenbrook camp?

A. I didn't kill anybody.

Q. How many people did you record there as-called mercy deaths - prior to the death of those girls? Did you undergo the experiments?

A. What I did was not a mercy death. It was a death due to suffering patients in their agony.

Q. What did you inject into the patients to relieve them from their suffering?

A. I gave them morphine, and then the post physician gave me a mixture, I don't know what it contained exactly.

Q. The mixture contained gasoline, didn't it?

A. I cannot say. During an interrogation the interrogator said to me "that was of course gasoline, that was customary," and so I was pushed into that. I don't know myself exactly what it was. I was given it by the post physician.

Q. Well, now, do you want to tell me that you could not determine whether or not you were injecting gasoline into a person; couldn't you smell it?

A. I gave the syringe to the post physician and he put the liquid into it. I don't know.

Q. Now, in your affidavit you state as follows: "It was my duty at Ravensbrück, that persons who were already suffering death were killed by injections. I myself have given five or six such injections." Now, from the overwhelming ~~of~~ arguments of witnesses and investigations, it is obvious that you gave many more than that; are you ready now here, inasmuch as you are under oath, to admit that you administered lethal injections to more than five or six persons in the Ravensbrück Concentration Camp?

A. No.

Q. You limit it to five or six, do you, Doctor?

A. I don't know the number exactly. It might have been only four or five.

Q. Now in the course of your direct examination you gave the impression you were sympathetic and helpful to all the patients in the Ravensbrück Concentration Camp; I want to call your attention to the affidavit of Helen Storchman,

which is Document No. 864, which will be found in
Document Book No. 10, also found on page 926 of the
Swedish manuscript, wherein the affiant states as follows:
"In the beginning of 1942 there was an old German woman
of about 80 years wearing the green triangle on her arm
in the presence of the revier; she asked Dr. Oberhauser
for some pills. She was ill and could scarcely move. Ober-
hauser asked her why she was in the camp. As she did not
reply Oberhauser kicked her. The woman fell to the ground
crying. Oberhauser laughed and told her to get up, and go
away, and gave her no medicine. I was in the presence and
witnessed this." Isn't that rather a typical example of
how you treated the patients, Doctor?

A. I never had any such thing. I had had four years of
training in the clinic before, and I had had my old and
excellent friend, chief physician, and I always
followed their example, and after my arrival at Ravensbrück
I went to another clinic. I tried for three quarters
of a year to change my position. I do not believe that
during this time I could change either from the human or
from the national point of view. I always rejected such
suggestions, and I would not have been able to act in
such a way; and I have also said that the SS everywhere
was not pleasant to be, and after a year and a half I was
not able to stand it any longer; and perhaps it was only
a very brief time when I thought over things that in order
there, but when I said to myself I had to help the patients
and I changed to help them for a year and a half, and then
I tried again to have the clinic changed and altered itself,
because I was convinced I could have changed the situa-
tion. I tried to change the clinic but it was not possible.

Q. Now, Doctor, I wish to call your attention to the

affidavit of Raj again. She corroborated the testimony of Miss Folsom, wherein she stated, "I have seen Oberhauser beat and throw women out of the sick bay that came to the sick bay for treatment for their legs which had gotten badly cut while working during the day. She did not give them any treatment." Other witnesses testified to great length that you held sick call and used to sit at the examining table and kick the women when they filed by and they aroused your displeasure in any way. Now, in the interrogation by Major Hunt of the British Army of the Rhine, you stated that during sick call you had to look over 300 to 400 patients, and that you sat in the examining table while looking over the patients, and in the course of that interrogation you used the following words, "In sitting there I held the point of my foot somewhat stretched forward in order to see the patients better in their entirety;" do you recall talking to Major Hunt in that regard?

A. Yes, it was at my first interrogation which was carried out by Miss Karl-Mory and she forced me into this statement which is not of any significance. I did not kick anyone. I can only repeat that I had clinical training behind me and I managed to get out of these terrible surroundings and I went back to the clinic; and if I may add this, I had worked for a long time in the children's ward in Dusseldorf and when I came to Hohenlychen I again took over the children's ward. And I can only emphasize again and again that I repudiate any such action and that I would not be capable of acting in this way. I treated all my patients in the same way. As the witness, Tencado said, I did not treat her badly.

Q. Now, Doctor, in regard to this examination of three to four hundred patients during your sick calls, isn't it true that you told Major Went as I have stated here that you sat on the examining table and looked over the patients as they came forward? Isn't that true?

A. Yes.

Q. Well, now, didn't you also tell him that you held the point of your foot somewhat stretched forward so that you could get a preceptive or see the patients better in their entirety?

A. I should like to say otherwise it is customary for the doctor to sit at a desk and the patient to sit at some distance. This was, of course, not possible, and the patients came so close one after the other that one could not see the whole body. For that reason it was not necessary for me to do it with my foot, but the prisoner nurses saw to it that they came at certain intervals so that one could see the whole body because it was a specialist treatment.

Q. Well, now isn't an examining table made to have

the patients sit or lie on and not the doctor?

A. First the patients who had scabies or some other minor matters were treated, and then, as I said in my direct examination, the patients where further clinical examination was necessary, I gave them appointments for the afternoon, and if I had to have a patient lie down, then, of course, I did so.

Q. Well, now, then we will go back to these experiments, Doctor. In the course of these medical experiments did you participate in the selection of the inmates? You may answer these questions "yes" or "no".

A. No.

Q. Did you examine the patients as a pre-examination or a pre-operative examination?

A. I have repeatedly said in my direct examination and again this morning that I looked at the patients who were sent to me according to the lists. I tested their skin, their hearts and their lungs as is done before any operation where an anesthetic is required.

Q. You assisted Dr. Fletcher and Dr. Gebhardt during the course of the operation?

A. I helped in applying a dressing on one occasion. I have already spoken about that during my direct examination and again this morning.

Q. You were present during most of the examinations or operations?

A. Yes.

Q. You administered the anesthesia in many cases, did you not?

A. No always. I have already described what my duties were, and the method of incision was called to my attention so that in the case of pressure or congestion I

would be able to loosen the dressing so that I would not touch the wound and cause any damage. The post physician said I was merely like a handyman. I was not given any special duties. I gave the customary assistance in an operating room. I turned on the lamp and sometimes handed the doctor something.

Q. You also attended the inmates after the operation?

A. Yes. That was my duty. At least I considered it my duty.

Q. You state to your knowledge only three persons died as a result of these experiments and not five or six as stated here in the presentation of the Prosecution's case in chief, is that right?

A. I can remember only three.

Q. How many persons were shot or executed after they had been subjected to these experiments?

A. This morning I have already said that I had no idea about these shootings; that I heard about them for the first time here in the courtroom.

Q. And in your affidavit in connection with these fatal injections you admit that you gave five or six fatal injections, is that correct?

A. No.

Q. Did you hear that?

A. I said no.

Q. Well, you gave injections and after such injections the persons died, did they not?

A. I said just now, and I said during my direct examination, that I was giving medical assistance to suffering patients in agony.

Q. All right now, if I understand you correctly,

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these were not in the category of mercy killings, were they? That is, euthanasia?

A. I heard about that only here in the courtroom.

Q. Well, do you consider the cases wherein you injected persons as being typical euthanasia cases as you know euthanasia from this courtroom?

A. I can only say that I was giving medical aid to suffering patients in agony.

Q. And this medical aid resulted in death, did it not? Did you hear that?

A. No.

Q. I said, "and this medical aid resulted in death, did it not?"

A. As I said, they were patients in agony.

Q. Miss Oberhauser, were you ever awarded the Iron Cross?

A. No.

Q. What did you get? What Award?

A. If I remember correctly, it was the War Merit Medal, Kriegsverdienst-Medaille.

Q. And for what reason did you receive that medal?

A. I don't know.

Q. Was it for your participation in the sulfanilamide experiments?

A. Certainly not.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: Any further examination by Counsel for Defendant?

DR. SEIDL: Dr. Seidl for the Defendant, Dr. Herta Oberhauser.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, the Prosecutor asked you whether you had anything to do with the selection of the experimental subjects?

A. No.

Q. I shall now show you an affidavit which was submitted by the Prosecution as Exhibit 226. It is an affidavit of the witness, Sofia Sokulska. I quote:

"During my stay in Ravensbruck two experimental operations were performed on me. There were two other attempts made to operate on me which I thwarted. On the 1st of August, 1942, I was told to report to the large sick bay rivier with nine other prisoners by Helena Bolla, secretary to Mandel."

I ask you does not the statement of this Prosecution witness show very clearly that the experimental subjects were obviously selected by the camp administration or by the political department or by some other even higher authority, for example, the Reich Security Main Office, the RSHA, which passed on the list?

A. Yes, and I have repeatedly said during my direct examination and this morning, too.

Q. The witness, Sofia Baj, said something very similar, Exhibit 227 of the Prosecution. She said the following, and I quote:

"On the day of my operation a list of ten names including mine was read during the morning roll call. We went to the office and asked supervisor Langenfeld what was wanted of us. She said she did not know, but shortly after we were taken to the sick bay."

I ask you did you yourself have anything to do with the roll call of prisoners?

A. No, nothing.

Q. Would you agree with me if I say that this statement again shows very clearly that the selection of experimental subjects was done by the camp administration or some other high authority?

A. Yes.

Q. Did you have any files on the prisoners in your hospital?

A. No.

Q. Then it would not have been possible for you from the technical point of view to select experimental subjects since you did not know for what reason the prisoners were in the camp? Is that true?

A. Yes.

Q. Was the preliminary examination which you performed on the prisoners in any way different from the preliminary examination given before any operation?

A. No.

Q. You had testified that you learned of the experiments only when Prof. Gebhardt and Dr. Fischer had already begun them?

A. Yes.

Q. You have also testified that according to Prof. Gebhardt the experiments were not dangerous; now, I ask you: On the basis of the statements made by Prof. Gebhardt, did you have to assume that in connection with these experiments the experimental subjects would suffer any serious lasting consequences?

A. I could not judge that. I could only assume if Prof. Gebhardt said to me that the experiments were not dangerous, I believed him, because I was a dermatologist.

Q. Did you yourself have the impression that Prof. Gebhardt and Dr. Fischer did everything in their power —

A. Yes, otherwise I would probably not have helped them, and I would not have had confidence in Prof. Gebhardt and Dr. Fischer, and would have helped me to change my job. It was the same clinical course, the same clinical treatment which I knew from the university clinic where I worked for four years.

Q. That is especially true of the so-called control persons?

A. Yes.

Q. They also were treated, and, if necessary, by surgical means?

A. Yes.

Q. Now, something else, witness. Here in the courtroom you heard the prosecution expert witness Prof. Leibbrandt?

A. Yes.

Q. Do you remember his testimony?

A. Yes.

Q. Prof. Leibbrandt in particular made statements about what circumstances, and what prerequisites, make it permissible for a doctor to accord a euthanasia to a patient who is about to die. Do you remember that?

A. Yes.

Q. Now, I ask you: These patients to whom you accorded aid, were they people for whom one could say, according to Prof. Leibbrandt, that even he would consider euthanasia permissible?

A. Yes.

Q. As far as you can recall, they were patients who were incurable, who were suffering from cancer, and who could not be given any help?

A. Yes, I have described it in detail in my direct examination; and, as I said, this was formulated in such a horrible form in the affidavit.

Q. Is it in particular true that these patients asked you to help them?

A. Yes. Under other circumstances I could never have done any such thing.

Q. The prosecutor has read the testimony of the witnesses Pleszka and Baj to you. They were not examined before this court but they signed affidavits.

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In one of these affidavits, in that of Sofia Baj, it is said that you mistreated an eighty-year-old woman. Now, I ask you: Were there women of any such age as eighty in this camp of Ravensbrueck?

A. Not that I know of. Generally, we had younger people, and I do not believe we had any eighty-year-old woman. I don't believe we had any seventy-year-olds in the camp. They were mostly younger people.

Q. Between statements of Pioszka and Baj on the one hand, and those of the witness Tschiedo who was examined before this Tribunal, there is an obvious discrepancy. You are of the opinion that the witness Tschiedo is nearer the truth than the other two witnesses, is that true?

A. I should like to say that I treated all patients in the same way, that I gave all patients the same treatment. Where aid was needed, I gave it. I acted as I did in the clinic, and I do not believe that in this short time that I was in Ravensbrueck, when I came from a clinic and went back to a clinic again, that I could have changed from my point of view, as a human being or a doctor.

Q. And you also remember the contents of the affidavit of the witness Wytla, which we submitted here before your examination. Does this witness give an accurate picture of your work in the sick bay, and of your efforts to help the patients?

A. Yes. I did everything I could. I did whatever I could to help the patients.

Q. Finally, you were asked whether you were given an War award. You answered that you were given the War Merit Medal.

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I ask you: Does this mean anything special, or is it not a fact that during the war in Germany several million people received this medal?

A. Yes: and at the moment I cannot remember when I got it. It is even possible that I had it before the sulfonamide experiments, but I cannot remember exactly.

DR. SEIDL: Mr. President, I have no further questions to put to this witness.

THE PRESIDENT: Witness, you referred several times to the SS atmosphere in the camp. What did you mean by that?

WITNESS: Now it was in the camp itself I cannot testify anything special because I lived quite isolated. I can speak only about the SS doctors, the post physician under whom I was, under whose orders I was, and the German nurses. I can only say that they were hostile to me. I lived and acted according to clinical principles, while they looked at the people only when they felt like it. and besides, the tone was such that as a woman I often had to blush. It was a circle into which I did not fit, and in which I did not feel at home, and my activity was limited almost exclusively to my dermatological work.

THE PRESIDENT: The matter to which you have just testified, then, was what you intended to designate the SS atmosphere in the camp, is that correct?

WITNESS: Yes.

THE PRESIDENT: Concerning those patients whom you testified were suffering from incurable cancers, what was the injection that you administered intended to produce-- was it to alleviate their suffering or to cause their death?

WITNESS: To relieve their suffering.

THE PRESIDENT: In what way?

WITNESS: These people were in agony.

THE PRESIDENT: Did I understand you to testify that

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you did not know what was the contents of the injection container which you used in treating these people?

WITNESS: There might have been two or three injections when I knew what it was, when it was morphium, and then, as I said in my direct examination, I discussed it with the post physician and then he gave me a preparation, and there was probably morphium in that too, I don't know. He gave it to me.

THE PRESIDENT: What was the result of the patient in the administration of that fluid?

WITNESS: The same as any morphium. The patients go to sleep.

THE PRESIDENT: Did the patient wake up, or did death ensue?

WITNESS: Then they died.

THE PRESIDENT: Any further examination of this witness concerning the matter being produced by the defendant's examination?

MR. HARDY: I have no further questions, Your Honor.

DR. SEIDL: I have no further questions, Mr. President.

THE PRESIDENT: There being no further questions being propounded to the witness, the witness may be excused from the witness stand.

(Witness excused.)

DR. SEIDL: Mr. President, the examination of the defendant Herta Oberneusser concludes the submission of evidence in this case. I should merely like to point out that in the supplementary volume to the Document Book for the defendant Gebhardt there are documents which apply to the defendants Fischer and Oberneusser.

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THE PRESIDENT: That is the Document Book which has not yet been submitted, is it counsel?

DR. SEIDL: Yes.

THE PRESIDENT: - It is understood that this Document Book may be presented to the Tribunal when it is ready for presentation. That right was reserved by the defendant the other day. We understand, counsel, that the case against defendant Oberhouser is now closed for the present.

DR. SEIDL: The case for the Defense & Oberhauser is concluded for the time being, but I should like to add that I shall dispense with examining the witness Margarete Wytin before this Tribunal since the affidavit of this witness has been admitted by the Tribunal and the Prosecution has not objected to the affidavit.

THE PRESIDENT: Very well, it is understood.

The Tribunal will now call the case against the Defendant Helmut Peppelick.

DR. SEIDL (For the Defendant Peppelick): Mr. President perhaps, it would be possible to have the record now as I am still sitting for my secretary to get a pass to come into the court room, so perhaps it would be possible to have the record now.

THE PRESIDENT: It is my intention simply to have your first witness sworn; so you may proceed with the witness as by reading the records, or orally.

DR. SEIDL: I shall like to call the Defendant Peppelick to the stand first.

THE PRESIDENT: It was my intention simply to call the witness to the stand, have him sworn and then recess.

DR. SEIDL: Very well, Mr. President.

THE PRESIDENT: The Defendant Helmut Peppelick will take the stand.

QUEST BY SEIDL, a witness, ask the stand and testified as follows:

BY JUDGE SEIDL:

Q. The Defendant will raise his right hand and be sworn: I swear by God, the Almighty and Omnipotent, that I shall tell the truth and nothing but the truth.

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(The witness repeated the C.D.)

You may be seated.

The Tribunal will now be in recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

DR. SEIDL: Dr. Seidl, defense counsel for the defendant Oberhouser. Your Honor, the defendant Herta Oberhouser is ill. She suffers from influenza; and she asks the permission of the Court not to have to attend the sessions of the Court today. A report by the prison doctor will be submitted to you.

THE PRESIDENT: Upon the request of counsel for defendant Oberhouser, with the understanding that the recommendation by the prison doctor will be submitted, defendant Oberhouser may be excused from further attendance before the Tribunal today.

DR. SEIDL: Thank you, Your Honor.

THE PRESIDENT: Counsel may proceed with the examination of the witness.

HERMUT POPPONDICK (Recalled)

DIRECT EXAMINATION

BY DR. GREGG BOKS:

Q. What is your name, Mr. Poppondick?

A. Hermut Poppondick.

Q. When and where were you born?

A. On the 6th of January 1902, at Halle in Oldenburg.

Q. On the 13th of November 1946 you submitted an affidavit

NO-572, Exhibit for the prosecution 30, English Document Book 1, page 54.

A. Yes.

Q. In this affidavit you stated your personal life, the most important ones. Please repeat your career, your medical career, your medical activities, and all your other activities until the summer, 1935.

A. I studied medicine from 1921 to 1926 in Göttingen, Munich, and Berlin. In 1926 I passed my state examination in Berlin. After my year as an intern I was at the Lander Hospital for one year at Buchholz in the Mark Brandenburg. After that I went to the University Clinic of

Berlin, the first medical clinic of the Charitee, to be trained as a specialist for neurological diseases. I was there until 1932, the last two years as private assistant to Prof. His. At the same time, from 1931 on, in the evenings and Sundays I was working as an ambulance physician in Berlin, that is, in a medical consulting service for accidents and sudden cases of illness, which is set up by the city, in the east of Berlin.

In 1932 I was a specialist for internal diseases. In 1933 I became Oberarzt, chief physician, at the Virchow Hospital, at the internal section. In the fall of 1934 I went to the Kaiser Wilhelm Institute, Berlin-Dahlem, for practice and hereditary diseases, to be trained in hereditary and constitutional diseases. My teacher was Prof. Fritz Lenz. In the summer of 1935 I went as hereditary doctor to the SS.

Q. When did you become a member of the NSDAP?

A. At the beginning of 1932.

Q. And what were the reasons which made you enter the NSDAP?

A. The economic crisis of 1930 and 1931. In all fields increasing chaos became apparent in Germany. Unemployment was increasing; and things were becoming more radical in all fields. As a doctor at the Charitee at the private ward and also as an ambulance physician, Rottungswart, in the east of Berlin where the workers were concentrated, I had an opportunity to observe the increasing social tension which was developing. And the radicalism and the Communism was developing. The middle class parties were standing aloof. In my opinion no solution of the urgent social questions could be expected from them.

On the other hand, I considered it necessary that every human being who thinks beyond his own welfare, who thinks of the welfare of the people as a whole, must decide at such times on the direction to be taken in the future. Communism preached dictatorship of the proletariat, that is, the class of the population. I did not agree with this. Therefore, I chose a party with another extreme direction which put the

welfare of its own people in the foreground in its program, which wanted to establish order, which wanted to do away with unemployment. These were the reasons why I joined the Party.

Q. When did you become a member of the SS?

A. In the summer of 1932.

Q. And what was your activity in the SS?

A. After a few weeks I became doctor of a Sturmabteilung and as such it was my duty to train the medical non-commissioned officers.

Q. In what office were you as doctor for hereditary diseases?

A. The office for Population Policy, that is Rassen- und Bevölkerungspolitik, and Erbsundheits-Pflege of the SS, the Rasse und Siedlungs-Management, which in about a year was taken into the SS, the Main Race and Settlement Office.

Q. And what was the activity in the Main Race and Settlement Office?

A. My duty there was to pass on hereditary applications by SS members as their fitness.

Q. Were there only physicians and medical men in this office?

A. No, in addition to a number of doctors there also were many people who were not medical men and not scientists.

Q. What was the position of the doctors in the Main Race and Settlement Office?

A. The position there was very tense. The doctors were considered specialists with binders who ostensibly did not have clear sight but were too much involved in their school medical knowledge.

Q. What is your opinion in the way of race hygiene?

A. In October in 1935 was already mentioned Prof. Fritz Lenz. Lenz had unusually clear and critical intelligence and made a great impression on me. In the field of so-called race hygiene he on principle rejected all eugenic measures. He was frequently attacked for his reason, particularly by the SS people, as I was able to

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observe in the Main Race and Settlement Office. Nevertheless, he
published his opinions in 1936 in his well-known book. I was
definitely a follower of Prof. Lenz; and I always remained so.

DR. KOHM: In this connection I offer Document HFO 1, an affidavit by Professor Lenz, which is Poppendiek Exhibit No. 1, which is on page 1 of the Document Book for Helmut Poppendiek. In the first two paragraphs of this affidavit Professor Lenz speaks about his own position in the sphere of a German hereditary science. In my opinion I think he is the only man who is allowed to lecture on this subject. I will not read this document. I will not read the first two paragraphs. In Paragraph 3 Professor Lenz speaks of his knowledge and acquaintanceship with Professor Poppendiek. I quote the relevant sentences:

"I met Mr. Helmut Poppendiek in 1934; he was then taking an 8 months course in the Kaiser Wilhelm Institute in Dahlen. I also saw Mr. Poppendiek frequently during the following years; during the war I had only transitory meetings with him. Once he was my guest together with his wife.

"I came to know and to esteem Mr. Poppendiek as a benevolent, objective, and justly thinking man.

"He was neither a fanatic nor an activist; his whole nature was more inclined toward an inactive attitude.

"I remember that Mr. Poppendiek frequently spoke very indignantly about Hitler, and that he certainly was not an unconditional follower of Hitler.

"I was therefore under the impression that he has remained my disciple in his professional opinions."

That is the end of my quotation. This affidavit was signed and sworn to and certified. I would like to proceed now as to this.

Q In the framework of your activities in your Main Race and Settlement Office as a doctor, I would like to ask another question; this Sippenamt, of 1935, did that have anything to do with the Reichs Sippenamt, as in

the course of the evidence for the defendant Blome was mentioned?

.. No, this Sippen-ent was only for the SS, for the members of the SS. This Reichs Sippen-ent, as far as I know, was attached to the Ministry of the Interior, and had quite different duties. There was no connection.

Q The doctors of the SS Sippen-ent, in the year 1939, were taken to the office of the Reichs-Arzt, is that correct?

.. Yes, that is correct.

Q And why was that; why did that happen?

.. The reasons were that there were repeated difficulties in connection with the activities of the doctors in the Sippen-ent. In 1938 and 1939 medical work was to be divided up and tripled by having non-doctors assigned to perform the medical judgment of marriage applications for the SS. These non-doctors were to be trained for this purpose, and in order to take away the authority over doctors in the Sippen-ent from non-medical men, it was decided to transfer all the doctors to the staff of the Reichs-Arzt.

Q Did you do military exercises?

.. Yes, from 1936 until 1939, four weeks every year. I did this in Berlin hospitals, as a doctor, in an internal case.

Q At the beginning of the war were you recruited to the Army?

.. Yes, I was drafted on the 27th of August 1939.

Q And what active service did you have?

.. From the beginning of the Western campaign until 1941, I was with the medical department of the 18th Army as a doctor.

Q And why were you recruited in the year 1941 by the Reichs-Arzt?

A In the opinion of the leading men the war was finished then, and many doctors of the General SS were reclaimed from the Army by the Reichs-Arzt SS. I was to resume my activity in the Sippenamt of the Main Race and Settlement Office.

Q During the following years did you try to go back to active service?

A Yes, from 1943 on repeatedly.

Q And with what success?

A The Reichs-Arzt SS promised me that I would be assigned to the Front. The personnel office of the Medical Office of the Waffen SS was given such an assignment. I know that efforts were made to this effect, but as far as I know these efforts were always unsuccessful, because I had no experience in the East, neither as an officer in a medical company nor in the treatment of the diseases prevalent in the East.

Q After your return from active service then you became a member of the Reichs-Arzt, and you worked in the Sippenamt of the Race and Settlement Office, did you not?

A Yes, I worked in the Sippenamt again. I worked for the Reichs-Arzt only for a certain number of hours.

Q Did the Reichs-Arzt make use of your work for its own work, and for which work.

A It occurred now and again the Reichs-Arzt gave me minor assignments, and they were generally unimportant things. Most often it was social welfare cases. It turned out that in general I worked on complaints from the public about doctors and their activity which were sent to the SS magazine "Das Schwarze Korps," which were passed on to the Reichs-Arzt.

They were investigated by the Reichs Chamber of Physicians, and the answer was sent to the person who had written in the complaint. Later there were many inquiries about diseases and steps to be taken in cases of illness, and I dealt with these matters.

Q But all of these inquiries which came to you went through the Schwarze Korps?

A Yes.

Q And when did you become the leading physician of the Main Race and Settlement Office?

A Probably in the summer of 1941.

Q And what were your tasks as leading physician?

A Primarily the adjustment and coordination of personnel between the Front and the Homeland, concerning the doctors who worked in the Sippen-amt. Every now doctors was to be sent to the Front for a certain length of time and the reserve doctors had to be trained. There were only a few doctors who had experience in the field of hereditary diseases. The training of these doctors was one of my duties. Also I had to supervise the doctors and their work in the main welfare office of the SS. The whole supply system of the German SS in 1943 was under the Main Race and Settlement Office.

Q Is it correct that you went on with your work in the Sippen-amt?

A Yes, I myself continued to perform the medical work there, and at a hundred to a hundred and fifty applications per day had to be dealt with.

Q The other leading physicians in the SS, did they have special offices?

A No, they had no secondary activity.

Q Your title was Ober Fachrer and your position as leading physician?

A Yes, there were also leading physicians who had the rank of a general.

Q Since when is Grawitz Reichs-Arzt or war Reichs-Arzt?

A From 1935 on.

Q Did he hold any other offices?

A He was also managing president of the German Red Cross.

Q Will you give a short resume of the characteristics and personality of the Reichs-Arzt SS Dr. Grawitz?

A Grawitz was an energetic and unsettled personality. He talked a great deal, and that was his method when he was carrying on negotiations, simply to talk the other party down. I experienced several times that visitors said afterwards that they had not had an opportunity to present their business, because Grawitz had done all the talking, and then they went away without having had success in anything.

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He emphasized the officer very much. He attached great importance to his position as Reichsarzt. He demanded absolute obedience. He was generally polite; that he could suddenly become very abrupt and inconsiderate. In the case of persons who had influence somewhere else he acted differently. He liked not only many words but big words and exaggerations, and in general, he acted as if he were a very influential and a very important man.

In the course of time, however, we had to get the impression that his position particularly in connection with Himmler was very uncertain. Himmler apparently had no confidence in him. Grawitz's whole being and work turned around his efforts to get into favor with Himmler again. For some reason Grawitz must have been seriously reproached by Himmler, and one noticed repeatedly that he endeavored in everything connected with Himmler as the personal staff to act with painful carefulness. He thought that only he himself could take care of things so that there would be no difficulties with Himmler, and so in all things which were connected with Himmler, he himself took care of them with great carefulness. He would do well himself, and he did not let anyone else see it. He no, doubt, wanted to avoid any one else, realizing the actual conditions, for his position with Himmler at least during the war was not very sure, but outwardly he always tried to create the opposite impression that as Reichsarzt he had a very firm and safe position.

DR. BOWEN: In this connection I submit Document BPO-2, an affidavit of Dr. Edwin Grawitz, who was collaborator of Grawitz at the beginning of the war. It is on pages 3 to 5 of the Document BPO-2. For this document as Prosecution Exhibit no. 2 for the moment I shall only read paragraph 2. The other paragraphs of this affidavit I shall read at a later point. In paragraph 2 I quote:

"The personality of Dr. Grawitz:

"I always had the feeling that Dr. Grawitz did not feel too safe in his position and tried to certify his position by showing himself as a particularly unconditional follower of Himmler. He was correct

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in his general behavior, reliable and not free vanity. He showed a certain elegance in appearance and in his surroundings that were around him. His conditional submission to Himmler is shown best by the following remarks: I was then told he reported to Himmler on the completion of his task of taking over the Red Cross with the following words:

"The obedient retriever brings back the hare." From remarks like this one and from his attitude toward Himmler, I gathered again and again that he could not get rid of a continuous growing fear for the safety of his position. For three reasons it seems very understandable from a human point of view that he kept important or secret matters to himself or made them known only to the persons directly concerned in order to prevent such matters from becoming public unnecessarily and to prevent others from learning of them unnecessarily."

That is the end of my quotation. This affidavit also has been sworn to, certified and affirmed.

Q How did Grawitz deal with his business in his office, witness?

A Grawitz had the mail brought to him by his secretary and, generally, he dictated the replies to her immediately; and in addition when he was present, he usually had quite a large number of visitors who had appointments. They were announced by the secretary or the adjutant, and he then received them and he talked to them alone. At the office of the Reichsleiter there were also many visitors on Red Cross business. One could not keep the various matters separate, but the doctors in charge of the Main Offices, Hauptämter, and the office chiefs on his staff he generally received alone.

Q How did the reorganization of the office of the Reichsleiter Grawitz come about in 1943?

A Grawitz wanted to expand his office, no doubt in order to get more efficiency for his power. He wanted it to become a Main Office. He tried to have as many medical matters as possible united in his staff. He wanted to have a big staff. He wanted to have a great many people on it, and so in about 1941, he called in a doctor who had been

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recommendation to him as having organizational capacities and who at the same time had experience at the front and connections with the front. That was Dr. Wille. He had intended later to have Dr. Wille as chief-of-staff in his main Office. All these efforts of Grawitz, however, were frustrated by the developments of the war. In 1943 Grawitz had to be very modest. This main Office was never set up, and, consequently, Dr. Wille was sent back to the front. From 1941 to 1943 he had hardly anything to do under Grawitz.

Q How was the Office of the Reichsartz organized altogether?

A In the fall of 1943 a staff was set up for Grawitz by the Reichsfuehrer. Six offices were created. In general, however they did not have very large staffs. That was the Chief clinician. As far as I know, that was only one person. Then there was the chief hygienist who had only a few assistants, then the Chief dentist who had one or two persons working for him, then there was the biggest office actually, the medical quartermaster, the chief pharmacist. His staff with the Reichsartz had twelve to fifteen people. There was also an office for statistical evaluation of case histories. This office was worked outside of Berlin. I cannot say exactly how many people worked there. Finally there was an office called the Personal Office.

Q Were all these offices in the building of the Reichsartz Office?

A No, aside from Grawitz, there was only the chief dentist and the medical quartermaster in the same building.

Q In your opinion, would the institution of a Personal have been necessary?

A No. This office was completely superfluous. In view of the small amount of mail which was received, Grawitz could easily take care of the office work himself.

Q For what reason was an office like this instituted then and given to you?

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Court 1-

A. After the reorganization, Grawitz said that the Reichsfuehrer had approved six offices for him including a Personal Office. Grawitz wanted to give the office to me. I said that I was the leading physician at the Race and Settlement Main Office and I could not take on any further responsible activity. Besides, I would not have been interested in general office work. But Grawitz reassured me and said things would remain as they were. He would continue to take care of the small amount of mail which was received by himself with his secretary. I would not have to worry about anything. I would have plenty of time to continue my work in the Main Race and Settlement Office, but he wanted to keep this office, this Personal Office, in order to be able to use it later. So that this position, could not be taken away from him again, he had to give the title to someone. Actually no Personal Office was ever set up. There was no sign in the building; there was no letterhead. There was no stamp for the Personal Office, and I never used the title "Chief of the Personal Office", and I never called myself an office chief.

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Q. Did Grawitz make you responsible for any work within the office for correspondence and all activities of an officer?

A. No, in no way, as I have already said. Not only did he say so to me at the beginning, but afterwards, in the presence of the Secretary Sauerfeld, he often repeated that I did not have to worry about anything, he would take care of the work all by himself, and Miss Oberhauser will be able to confirm that.

Q. When did Grawitz say, that he was to do most of the work himself?

A. Yes; I also said he was a very industrious man, and he once said to me if he did not have the mail, the correspondence of the Reichs-
arzt, then he didn't know what he could do. He felt superfluous as
Reichs-arzt.

Q. Whose subordinate was the adjutant and the secretary of the
Reichs-
arzt?

A. They were both directly under Grawitz.

Q. Would you look at correspondence; did you have the possibility
to look at correspondence?

A. I sometimes saw the open correspondence. Occasionally,
Grawitz gave me a letter and, of course, I saw that.

Q. As chief of the personnel office, why was it not part of your
work to have to look at the correspondence?

A. First of all, as I said, it was the custom for the secretary
to show the mail to Grawitz directly. That was before 1943, and after
1943. And in the second place, Grawitz had forbidden that the mail
addressed to him by name should be opened; or mail which was marked se-
cret, or which was in any other way important.

Q. These letters which you mentioned just now, did not concern
you as you had secret power and as far as they were sent to Grawitz
personally?

A. No, it went directly to Grawitz. And as for the other mail,
the opened correspondence I saw only rarely.

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Q. Did you get orders from Grawitz to deal yourself with some of the mail, the incoming mail?

A. Only the letters which came from the Schwarze Korps. They were generally sent to me by name and the secretary sorted them out and gave them to me. Grawitz had strictly forbidden me to do anything else independently.

Q. Grawitz, therefore, forbade the secret orders by not letting anybody else open the letters, is that correct?

A. Yes, we all knew about this order and Grawitz was always referring to it. Besides, he was very fond of secrecy himself.

Q. As evidence, HPO-3, I submit the literal text, as well as the HPO-4, the excerpt from the examination of General Velmi in the Milch trial, about the exact time when this order was given. This secret order was mentioned by the defendant, was submitted by the defendant Hostock. The secret order, the decree order here corresponds to the text, and was introduced in the International Military Tribunal as Goetspe Exhibit No. 25. Regarding this fact, this need not be marked as a Poppendick exhibit. I quote from the Document HPO-3, Exhibit 25:

"1. No one; no office, no officer, may be informed as to a secret matter unless they must be informed for reasons of duty. 2. No office and no officer may receive further information on a secret matter than is absolutely necessary for the fulfillment of their task. 3. No office and no officer may receive information on a secret matter or that part of it which is necessary for them to know, earlier than is absolutely necessary for the fulfillment of their task. 4. It is forbidden throughout to pass on, by any general order of distribution, any orders which it is of decisive importance to keep secret."

I quote from HPO-4.

THE PRESIDENT: What is the date of that order, the page is lacking from the copy in the Document 50 k.

DR. BOEHM: This order in my edition was submitted by my colleague

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Dr. Merkel, on the 15th of June 1946. The order, when it came out, your Honor, will become evident from the reading of the next document.

I quote now from WFO-4, as follows: 20 February 1947, of the Tribunal No. II against General Siegel, Marshal Milch, a ruling session, page 1293. I omit ten lines, and I quote Dr. Bergfeld's question:

"Q. Witness, do you know the so-called 'Basic Fuehrer Order No. 1'?

"A. Yes, I know it.

"Q. Can you tell me when exactly this decree was issued?

"A. On 12 January 1940.

"Q. Are you quite sure about this date?

"A. Quite sure."

I omit further eight lines.

"A. The order was issued on 20 January 1940. It was meant for no specific case. Its contents were approximately as follows: It broke with the old view, or former view about general issuance of orders. It ran approximately-- That is the end of my quotation.

I omit further five lines. I quote:

"I am able to state the order exactly because I was involved in this day."

MR. HARDY: May it please your Honor, in what manner does defense counsel propose to introduce this excerpt from the record Military Tribunal II, that is, the Milch case?

DR. SCHOEN: This document which was already the object of an examination in the Milch trial, which was dealt with at that time and showed that the order was issued.

THE PRESIDENT: There shall be placed in case of it by which it may be received as a certified copy before Tribunal II, or by some other means which counsel for the prosecution will check it if he deems it improper and object to it.

DR. SCHOEN: Certainly, your Honor, I shall do that later.

MR. HARDY: My question, your Honor, is whether or not defense

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Counsel proposes to introduce this and give it an exhibit number, or does he intend to merely put it in the Document Book for the convenience of the Tribunal, thereby requesting the Tribunal to take judicial notice of the testimony set forth in the Hildebrandt?

DR. BOEHM: Yes; certainly, I intend to do the latter. I want to submit it as a statement which is made in the Hildebrandt trial.

THE PRESIDENT: Then it should be brought before the Tribunal under certification by some authority, and we may take judicial notice of it.

DR. BOEHM: Yes, certainly, I have already expressed, your Honor, that I shall do so.

THE PRESIDENT: I notice that counsel has himself certified that it is a true copy of the testimony before Tribunal II.

MR. HARDY: What I am attempting to determine, your Honor, is whether or not he is going to give it an exhibit number. It is not necessary to give it an exhibit number.

THE PRESIDENT: I understand counsel to say he is not offering it as an exhibit. Is that correct, counsel?

DR. BOEHM: Yes.

DR. BOERKE: In connection with the office order of Grawitz, I submit the document, HFO 5, which is an affidavit by Dr. Carl Blumenreuter, Sanitäts-Leugmeister (Medical Quartermaster) of the SS. It appears on page 9 of the document book Poppendiek, and I offer it as Poppendiek Exhibit 3. I quote from the contents of this document:

"I, Dr. Carl Blumenreuter, of Grawitz in Halstein, Landhaus Strasse, late SS-Gruppenführer, have been advised that a false affidavit will render me liable to punishment.

"I declare under oath that my statement is true and is given in order to be submitted as evidence to Military Tribunal, Place of Justice, Würzburg.

"I was chief of office IV (medical-pharmaceutical service) in the Medical Office of the Waffen-SS until 31 August 1943. From then on, until the end of the war, I was medical quartermaster of the SS in the office of Dr. Grawitz, Reich physician SS. In the preceding years, I was occasionally in the office of the Reich physician on official duty.

"I am therefore able to give the following statements about Grawitz's office and the official work there, before and after 1 September 1943.

"From 1940 to 1943, the office of the Reich Physician was not very extensive. I was of the impression, that it practically consisted only of Dr. Grawitz himself, who personally settled the affairs submitted to him or to his office. He preferred oral transactions by discussions in his own office without the presence of a third person.

"Grawitz's secretary worked in his outer

office. From 1941 onwards I saw Dr. Wille as well as Grawitz's adjutant around Grawitz. Occasionally I saw Dr. Foppendiek too. I knew that the latter worked as a physician, in the Gynecological Office (Sippenamt) and as a chief physician in the Racial and Settlement Main Office.

"I, myself, thought that the office of the Reich Physician was superfluous during the war, and always expressed this opinion. The medical departments of the main offices worked independently, and as expedient for war requirements. From this it follows, that there was really any work for Grawitz. I always felt that his efforts to interfere and to show the necessity for his existence were just as useless as they were disturbing.

"In 1941 I learned that Grawitz intended to place his office on a more extensive footing. Through this he also hoped to become chief of a main office. I heard that Grawitz took Dr. Wille on to his staff in 1941 in order to make him his first collaborator, when his desires were accomplished.

"On 1 September 1943, Himmler ordered a separation of the staff of the Reich Physician SS and Police. It did not, however, meet the hopes Grawitz had entertained. Nevertheless Grawitz had succeeded in taking over the management of two useful and extensive spheres of work, the pharmaceutical service and the hygienic service, such as I myself had struggled against the incorporation into the office of the Reich Physician. Through this, the office of the Reich Physician received a certain right of existence. This hardly entailed more work for Grawitz, however. On

account of this development, Wille resumed his activity with the fighting units.

"Through Himmler's new organization an office called 'Personal Office' had been newly established among others. This office was nominally given to Poppendick, in addition to his other activities in other departments. I always had the impression that the so-called 'Personal Office,' being a superfluous establishment, was a mere designation. For practically nothing changed in Grawitz's office administration in comparison with the usual units up to September 1943.

"I was not aware that a new office had been established, with Poppendick as director, which now dealt with the correspondence of the Reich Physician. As usual, only his secretary was still working in Grawitz's outer office. I received as before documents and my instructions directly from Grawitz, not from Poppendick. Documents with which I was to deal were so marked by Grawitz in his own handwriting, not by Poppendick. If I had something to discuss with the Reich Physician, I went as before directly to Grawitz.

"Such discussions nearly always took place in private. On these occasions Grawitz frequently used to hand over or discuss with me those documents from his file with which I had to deal, or which concerned my special sphere. Grawitz usually took such documents from a portfolio in his private desk. I noticed that Grawitz was always very careful to preserve the prescribed secrecy. He was very particular to settle secret matters personally and orally, if possible, not in the presence of a third person.

"Orders could only come from Grawitz. Poppendick had no authority to give me or my subordinates orders or instructions. Poppendick had neither the position nor the authority of a chief of staff. I also did not notice that Poppendick had any other powers conferred upon him by Grawitz.

"On the contrary, I was more of the impression that Grawitz even after 1 September 1943, settled all the essential office matters himself and only occasionally gave incidental commissions to Poppendick.

"I was never aware that the Reich Physician SS held staff conferences for the purpose of planning experiments on human beings."

Then follows the signature and the certification of Himmler.

MR. HARDY: May it please the Court, I have a question to ask of the interpreting division, whether or not when Counsel refers to "personal office," he intends "personal" office or "personnel" office. I wonder if that is clear, whether the word is "personal" or "personnel."

MR. BORER: Quoting from my statement in this connection, there can be no doubt that it was a letter of a chief of the personal office, and not personnel office.

THE PRESIDENT: Come 1, the term "personal office" is a little ambiguous. You might offer some explanation as to just what personal office is. We understand the term "personnel" as taking in employees; we can imagine what a personal office might be, but some explanation might be helpful.

DR. BOELKE: Perhaps the name "personal office" or the activity of the man in charge of this office, activity connected with the staff of this office. But I would find it most useful to clarify this matter later; I would like to question the Defendant in this matter. Regarding the translation, it should be without doubt that it is not the personnel chief but the chief of the personal office.

THE PRESIDENT: Counsel may offer an explanation of the term when convenient.

DR. BOELKE: In connection with the questioning of the Defendant, I would like to clarify this matter.

THE PRESIDENT: Counsel may do so at his convenience.

The Tribunal will now be in recess until 1:30 o'clock.

(Recess until 1330 hours, 8 April 1947)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 8 April 1947)

THE MARSHAL: The Tribunal is again in session.

HELMUT POPPENDICK - Resumed

DIRECT EXAMINATION - (Continued)

BY DR. BOEHM:

I would like to read now from the document which has already been offered, HB02, the declaration by Dr. Jung, Part 1, which is also in connection with the Grawitz Office. I quote:

From my own knowledge, I can state the following:

1. workings of the Grawitz office.

While I was working there, until 1940 (April), the office was not particularly important and business there was of minor importance. In effect, the office exhausted itself in attempts at re-construction work.

From the beginning of the war until I left, I was almost exclusively concerned with the organization and training in appropriate schools and courses of the doctors drafted for war service - I was very frequently outside Berlin. (Munich-Freimann, Strausberg, etc.) The management of the office was roughly as follows:

Unless he dealt personally with the mail, Grawitz used the services of his secretary who sat in the antechamber, to receive and deal with the correspondence.

For important or secret mail, Grawitz used his own safe; he kept the key carefully and never let it out of his sight. It was the task of the secretary to sort the incoming mail, and important letters recognized as such return address, or secret letters, especially when addressed to Grawitz by name, had to be handed to him unopened. No one else knew about his current conferences or special tasks in the office, because he dealt with them directly in private with the special advisers who came to

report or to work on these matters. It should be added that Grawitz was kept busy in his capacity as managing president of the German Red Cross and could find only little time to work in his SS office, certainly dealt with many things directly concerning the SS, in his other office.

DR. BOEHM: At a later time I shall submit another affidavit by the chief dentist in the office of the Reichsarzt-SS, Dr. Fleschke, and in the interest of speeding up matters, I shall not cross examine this witness although he has arrived a few days ago in Nurnberg.

BY DR. BOEHM:

Q. Witness, I would like to ask you now to answer the question of the President of the Tribunal. What difference was there between the chief of the personnel office and the chief of the personnel office of the Reichsarzt-SS Grawitz? How do you explain the difference between these two offices in relation to your own position in the office of Dr. Grawitz?

A. The so-called personnel office doubtless means an office dealing with the correspondence of the Reichsarzt would have gone through this office. The name personnel office is unusual in ministry or military organizations. I imagine that this word comes from Hitler himself who apparently liked new formulations. It means nothing but an ordinary office. A personnel office did not exist under the Reichsarzt-SS. There was the personnel main office, and in this personnel main office there was a branch which dealt with medical matters. It is true that Grawitz had a liaison man in this main office that was the adjutant. This established a connection between Grawitz and the personnel main office.

Q. I think this seems to be clarified. Did you give

signatures apart from the correspondence with the Sanwarze
Korps in your capacity as chief of the personal office of
the Reichsrzt-SS Grawitz?

A. That had nothing to do with my work as chief of the
personal office. Before 1943 and afterwards, it happened on
various occasions that I signed - that was very rarely.
and it was always unimportant things. It happened occasion-
ally that Grawitz did not want to sign some letter and
assigned someone else to do it, either the adjutant or
Wille or myself. It also happened in a very few cases that
Grawitz dictated something which was not finished when he
left. If it was a matter of minor importance, then he
told the secretary that he did not want to wait for it,
that she was to get the signature from me or from someone
else who was in the building.

Q. Did you generally receive the order from Grawitz
to sign without any special authority in specific matters?

A. No.

Q. From your affidavit as to the person it becomes
evident that until the fall of 1944 you were the leading
physician in the Race and Settlement Office. Did you
receive a successor in the fall of 1944?

A. Yes, that was Dr. K. Reil. He had worked in the
Race and Settlement Office earlier. Originally, Reil
was to be recalled from the army in '43. He had been
drafted at the beginning of the war just as I had been. He
was to be recalled because I was to be given an assignment
at the front, but the army did not release him and the
matter dragged on until the fall of 1944; then he was
released by the army and he was given the title Leading
Physician in the Race and Settlement Main Office. The head
of the Race and Settlement Main Office at the time did not

quite approve. He required me - for the first few months at least - I was to take care of the business of the Race and Settlement Main Office.

Q Did you receive a front assignment after this, in connection with this?

A I waited for it from one month to the next, but apparently the disorganization and the scattering of the SS formations had progressed so far that nothing came of it. Moreover, there were difficulties which I mentioned before.

Q Under Count 1 you are accused of conspiracy. When of the co-defendants did you know?

A 12 of the defendants I did not know at all. By name I know Professor Sievers. By name and by sight I know Professor Karl Brandt, Professor Hirtloser, Professor Rostock and Dr. Fischer, but I do not know whether these people knew me. I knew slightly Sievers and Gebhardt and Rudolf Brandt. And I knew only Dr. Ganzken and Professor Mragowsky well, but officially I saw them only rarely.

Q Did you take part in the sessions of the Consulting Physicians?

A Yes, I participated in the last two meetings in 1943 and '44.

Q In these conferences did you take part by order or as a deputy of Grawitz?

A No, and I never reported to Grawitz, and I would not have attended the meeting in 1943 unless I had made efforts myself to attend it. I took advantage of this as a good opportunity to keep myself informed of current developments as an internist, as far as I had time to listen to the lectures. For that reason I asked Grawitz in 1943 to give

no a ticket. In 1944 there was no ticket available for me any more. With the approval of Grawitz I went to Hohenlychen on my own and tried to get accommodations there. I managed to get billets and I listened to a few of the lectures. I was not an official participant of the second meeting and the lists which have been submitted show this. I am listed only on the billet list but not on the list of participants.

Q Those lists, the accommodation lists and the participant lists, are No. 619, Exhibit 236, on pages 96 and 106 of the German Document Book. Did you talk to one of the co-defendants who took part in these conferences at one of these conferences?

A No, I didn't know any of them well enough at the time.

Q You were only a listener at these conferences but not a participant in discussions, or consultations, or decisions, or work?

A Yes, I merely listened to a few lectures, not even all of the lectures, only the ones in which I was interested. Only the specialists, who were interested, participated in discussions and formulation of decisions, and I was not present because that did not interest me. The people who have merely listened to the lectures left before the discussion.

Q Were there current consultations in the office of Grawitz of the leading physicians of the SS Main Offices?

A Yes, in 1942, perhaps, when Grawitz tried to get the medical system of the Main Offices under his control, he called the doctors together about every month, but that was a forced matter; generally some report was offered and the people concerned hardly had time to appear, therefore, only part of them were present as a rule, and at first representa-

tives were sent and later the people concerned remained away altogether. And so after about 5 or 7 meetings these meetings stopped again. No experiments on human beings or anything like that were ever discussed at these meetings.

Q These discussions, were they carried on at regular intervals until the end?

A No, it lasted only a few months. I believe it was in 1942.

Q The prosecution makes you responsible, especially for the high-altitude experiments; in the time of those experiments which is approximately from March 42 to August 42, were you then chief of the personal office of Grawitz?

A No.

Q What activity did you carry out during this time?

A I was leading physician in the Race and Settlement Main Office at the time, and I was working also in the Sippenamt, the genealogical office.

Q During this time did you receive an assignment of work or a duty which was in connection with so-called experiments of racing in high altitudes?

A No.

Q Did you know of a visit of Grawitz to Dachau in order to inspect experimental arrangements of Dr. Rascher, or did you even participate in such a visit?

A I did not know about it and I did not participate.

Q Did Grawitz take you along on such visits to concentration camps?

A No, never.

Q How often did you visit concentration camps and to what purposes?

A I was in a concentration camp twice, that was Dachau. The first time was in 1936, rather 1935. There was an

inspection for SS officers. The workshops were visited, the kitchens, the bread factory. They all made a great impression, the prisoners were well nourished. Of course I was curious and looked at them. It made the impression of a modern barracks. There was strict discipline but there was nothing noticeable, at least as far as the things I saw at the time were concerned. Then I was in Dachau again for a short time about in the summer of 1941 for one to two hours. Grawitz had a specialist for tuberculosis whom he had sent to the hospital at Dachau to examine the X-ray pictures of the station of Van Suijdam. Someone had said that the doctor in charge had mixed up X-ray pictures and apparently Grawitz was afraid that the Reichsfuehrer might hear about this. Therefore this specialist for tuberculosis was to check the matter, and I was sent along.

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I was in the X-ray room of the hospital; and we looked at the X-ray pictures. I did not interfere in any way. It was in 1941. I was wearing the uniform of the General SS; and I was therefore treated as a civilian. The X-ray room was modern. Everything was very clean. I glanced at the tuberculosis ward which was next door. We had to go past it. The patients were lying in single beds. The beds were not one above the other. The patients looked like the patients in the tuberculosis ward in any hospital; and I didn't see anything else. At least I had no unfavorable impression in any respect from these visits of mine, which, I admit, were brief visits; and I was never in any other concentration camp.

Q. Did you have anything to do with the personal relation of Rascher between the transfer of Rascher to the Waffen SS?

A. No.

Q. Did you ever take part in a conference which was held in the Reichsluftfahrtministerium, the air ministry, about experiments of Dr. Rascher.

A. No.

Q. Did you have any knowledge of any kind of criminal high altitude experiments of Rascher?

A. No, I learned of that here.

Q. You are furthermore charged by the prosecution with co-responsibility in freezing experiments upon the birds of the freezing of those freezing experiments, according to the prosecution. That must have been in 1943. You did not have the title "Chief of the Personal Office"?

A. No.

Q. How did it then come about that you, as the records of Rascher state, took part in the discussion between Grawitz and Rascher. This is Document 320, Prosecution Exhibit 103, English Document Book 3, page 115.

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A. I did not attend this conference from the beginning. As a rule Grunke talked alone to his visitors. I was called in later; and there was a special reason for that.

Q. Did you as a rule take part in these discussions, the discussions which took place in Grunke's office?

A. No. As I have already said, in general I no longer talked alone to his visitors; but a few times it happened that he called someone in, some officer who happened to be in the building. That was connected with his fears that he might have difficulties with Himmler if he noticed that the other side had some influence with Himmler; and if there were difficulties in such a discussion, then he had the secretary call someone in.

Q. Why did Grunke do that?

A. Probably from the experience that his position with Himmler could be influenced unfavorably by one-sided reports.

Q. Did you know Rascher before?

A. No, I did not see him either before or after.

Q. What was the course of this discussion as to Grunke after you had been consulted?

A. After I had been called in Grunke instructed me briefly. He said that there was about Rascher; that this man had experience in the field of freezing; and that the Reichsfuhrer had told him to draw up a memorandum on cold for the troops. In the course of the discussion while I was present, there was a very good tone on both sides. Grunke was of good to a doctor working independently in the manuscript without his having any knowledge of it; and he required of Rascher that he should at least inform him. But Rascher refused to do so in an energetically; and he clearly said that the Reichsfuhrer had given him the assignment and that he was directly under the Reichsfuhrer. Then I myself said that as doctors in the Sigmund we had been independent up to 1939 but that then we had been put under the Reichsfuhrer as

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it was generally customary in the military that all medical matters should go through the same channels.

Then Grewitz said he could not publish this memorandum unless there was extensive experience with the troops themselves in the east. It was the completely new formulation of the directives for the treatment of cold, completely different from that had been customary up to then. That much for the discussion. Later I did not hear anything about any memorandum or about Rascher's further experiences.

Q. But you were supposed to have found out at this discussion what experiments Rascher had made?

A. As far as I was personally concerned, nothing was said about experiments which Rascher had conducted.

DR. BUCHER: In accordance with these discussions I herewith submit a photostatic copy of the Document 1578-PS, page 5 to 9. By the document 1578-PS these are notes in handwriting by Dr. Rascher, which refer to the same discussions which were mentioned in the former examination. Like in document 320 this is on page 36 of the Document Book, HPO. I offer it as Appendix Exhibit number 4. In order to expedite matters I shall not read this document.

Q. Witness, what impression did Rascher make on you in his behavior and his attitude towards Grewitz?

A. The visitor was a young doctor. His conduct was noteworthy. He was arrogant; he treated Grewitz like an equal. He must have had protection somewhere.

Q. Do you remember in the remarks referring to Rascher of a quotation: "Yes, I've asked the Sturmfeldschütz-Siegers to come to my place on 7 days' vacation in order to receive instructions. After all, all medical matters are with us."

A. No I could not have said it in that form. I did not have any opportunity to call Siegers in to me, since he was not a doctor

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and belonged to quite a different agency. Besides, I do not recall that before 1942 I ever talked to Sievers. He will probably be able to tell us about that when he is examined.

Q. When was this discussion between Rascher and Grawitz at which you were later consulted?

A. That was in January 1943 shortly before the cold experiments were completed.

Q. Did you ever receive a report about these cold experiments, or did you have anything to do with Rascher after this discussion had taken place?

A. No, I did not learn of the cold experiments through a report or in any other way.

Q. Did the Reichsrat receive an invitation to the conference of the doctors in Nuremberg?

A. I myself know nothing about that. According to the evidence which has been submitted here, no one was present from the office of the Reichsrat.

Q. Do you know the two SS participants Petersen and Murtung?

A. I knew both of them slightly as SS doctors.

Q. Did these two not report to you about this meeting or make any remarks about criminal activities?

A. No, I saw these two only rarely and spoke to them very little.

Q. Did Murtung and Petersen report about this meeting to Grawitz?

A. I know nothing about that.

Q. The prosecution charges that you demanded such experiments with cold and drying as assistant of Grawitz.

A. That's out of the question. I had nothing to do with the technical matters in these discussions. I was merely called in as a witness. Besides, no experiments were mentioned while I was present. It is true that Grawitz emphasized that extensive experience was

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necessary, especially with the troops in the east, before this new method of treatment could be introduced.

Q. Did you know that SS doctors and Mountain troop doctors collaborated on these questions?

A. No.

Q. Did any orders exist as to this which went through your hands?

chart 1-

A No.

Q Did you know about Grawitz having freezing experiments carried out in his presence or also, perhaps, what orders he gave to this effect?

A No, I know nothing about that.

Q Here you are charged by the prosecution with malaria experiments which took place in Dachau from 1942 to 1945. Were you at Dachau at that time?

A No.

Q The witness Vieweg spoke about written reports of Schilling's which went to Grawitz. Did you know anything about this correspondence between Grawitz and Schilling?

A Only because in 1942, I think it was, I frequently saw letters sent from Schilling to Grawitz; but those letters were marked "Personal" and were opened by Grawitz himself.

Q During later years did you notice anything about the correspondence between Grawitz and Schilling?

A No. At least I did not notice it later. It must have been in 1942 and I noticed a few such letters.

Q These letters, therefore, did not go through you, so that in this correspondence between Grawitz and Schilling you had no knowledge?

A No, these letters went directly to Grawitz personally. Even the secretary did not open them.

Q Did you know Prof. Schilling?

A I know that Prof. Schilling was one of the well-known specialists for tropical diseases. I also know that he was working with Robert Koch Institute for Infectious Diseases. I believe that in 1942, I once saw him at Grawitz's Office.

Q Did you speak to him?

A No. I didn't know him.

Q Did you have anything to do with him?

A No, I had nothing to do with him. I did not know him.

Q What did you know of Schilling's activities in Dachau?

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A I somehow heard--I think it was from Grawitz himself--that Schilling was carrying on special investigations concerning immunity in malaria which he had begun in Italy and which he was continuing in Germany. It is possible that Dachau was mentioned.

Q Did you know that Schilling infected human beings with malaria?

A No.

Q Did you not know then from the fact that Schilling worked at Dachau--did you not have to know from this fact that he infected inmates?

A I had no impression of his special research. I am not a specialist in this field; and I did not think of it very much. To me Schilling was a famous man; and it never occurred to me that what he was doing could in any way be illegal.

Q Did you know that Grawitz had been with Schilling at Dachau as becomes evident from the documents in this trial?

A No, I never learned anything about that. Grawitz occasionally went on trips as president of the Red Cross. He visited his provincial offices or Red Cross hospitals. And I assume that he went there when he was on such a trip.

Q According to a copy of the documents submitted by the prosecution a man called Ploetner must have worked with Schilling. Did you know a man by that name?

A I know Ploetner superficially. I knew that he was a lecturer at the University of Munich and that he was a SS doctor. I can't remember what he looked like. I'm sure I could not recognize him. I saw him once or twice in Grawitz's office.

Q At what occasion was this?

A Once I was called in to a discussion in Grawitz's office between Sievers and Ploetner. This was the case of Mrs. Del France, which was discussed on this occasion.

Q What was it about this woman Mrs. Del France?

A Mrs. Del France advocated a new cancer cure. Grawitz had obtained some of this drug from her and had had it tested. If I remember rightly, iodine and bismuth were contained in this drug. Then Grawitz

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sant me to Prof. Auler. He was the Director of the Cancer Clinic at the University of Berlin in the Charities. I know him from the time when I worked at the Charities. I was to ask Prof. Auler about his opinion on this drug, whether there was any prospect of success. Prof. Auler said to me that he himself had had no experience with it but he knew that in the early history of the treatment of cancer doctors had tried and recommended this drug. He himself would conduct experiments at his clinic with it on patients who had been given up and who were suffering from cancers on the surface, which were easily accessible. If I am correctly informed, however this was never done because soon thereafter the Berlin clinics, including the clinic of Prof. Auler, evacuated their patients away from Berlin.

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Q. Was this the end of this discussion?

A. No. Grawitz talked about other medical discoveries. He mentioned a number of examples where medical advances were due to non-medical people and were later accepted by doctors. He also pointed out frequently about white pills -- accident played a role in research. He mentioned the discovery of insulin by two young American doctors after the world war. It had been known for twenty years what would cure diabetes, what the cause was; but all attempts to obtain an extract had failed. Although many well-known scientists had tried to obtain it; and now these two young Americans who had come back from war had the good fortune to discover an effective substance because they happened to combine the proper ingredients.

I believe they took the glucose from pancreas and put alcohol and soap acid on it; and that happened to be the secret. This prevented the digestive juices from destroying the insulin. Grawitz discussed that at some length. He was a metabolism expert. Then he said that one should not reject everything that is suggested by laymen just simply because it came from laymen but one should test it with the necessary critical attitude.

Q. At this discussion Sievers was also present. Did you know Sievers?

A. Yes, Sievers was there; but I know him only slightly; and aside from this discussion I believe I saw him only once. Then there were the few times I talked to him on the telephone when he called up our office.

Q. What did the entry read where Sievers was in his diary, 3526-13, Exhibit for the prosecution 3a, page 3a, page 122 of the 8th of September 1933: "Plotter remains at our disposal." Apparently that was a telephone discussion.

A. I cannot say what that means exactly; but I do remember that

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Sievers called me to the telephone a few times. He called up from his office--I believe it was in Southern Germany--and wanted to talk to Grawitz. In these cases Grawitz was himself talking on the telephone at the time. Grawitz used to carry on very long telephone conversations. Sievers had been waiting for some time on the telephone and was afraid that his conversation would be interrupted. Then he had me called to the phone and asked whether I couldn't go in to Grawitz's office and ask him what Sievers happened to want to know. This must have been one such case.

3. On the 23rd of October 1944, on Page 281, the entry, "By telephone with Poppendick transfer of biological experiments with Plotner. First of all, as submission Prof. Priese for discussion." What does that mean?"

4. That was no doubt a similar case he also called up and wanted to talk to Grewitz and then talked to me. He was afraid the telephone connection was to be broken. He used me to ask Grewitz. Today I cannot say, of course, what it was about.

Q Do you know what kind of experiments were those of Professor Briggs?

I No, I cannot say that either. It is, as if it was plain
Research.

Q Was this Professor Briggs only in pectin experiments, did he not have anything to do with the H-question?

.. Professor Fricse, was a chemist, I believe, from the Brunswick Technical College. He was in contact with Gr with. I did not know him well. I saw him perhaps once. I believe he was in some opinion on this substance.

Q Did you know Professor Friend?

As I said, I saw him perhaps once briefly in the office of the Reich Physician.

Q Did you otherwise have anything to do with this matter, or did you receive any further information about it?

To H, I have nothing at all with the technical matters. I just happened to be called upon briefly in such matters.

Q Therefore, you did not have to deal with this matter particularly?

Abstract

DR. BOLKE: As evidence as to the entries in the Diary of Siggers I submit as Document Exhibit H-6, which is affidavit of Assistant Siggers, who says he is a 12 of the Document. I submit Helmut Poppendick, and I offer this Document as Document Exhibit No. 9. Because of knowledge of the High Tribunal I shall not read it in order to speed up matters.

2. You are charged with special responsibility in experimental experiments; before this conference of consultation decisions in the

year 1943. Did you have anything to do with sulphonamide experiments, or did you know in anyway of such experiments from the manner of which Goehardt said they went to Grawitz?

A. No, I learned nothing of that.

Q. Did you know before that a lecture on such experiments had been intended in this conference?

A. No, I learned that only at the meeting itself, as all the people present did.

Q. And what impression did you have of this lecture or this paper?

A. I knew Professor Goehardt as one of the leading scientists in the field of surgery. I had the impression that this was a purely scientific investigation of a clear or essential war problem. I learned of it only then. That is insofar as I learned of them at all here.

Q. But Goehardt has expressed that these were experiments to be carried out on persons who were sentenced to death.

A. Yes, he said so.

Q. What is your answer to this question to carry out experiments on people sentenced to death?

A. I cannot pass judgment on the right to carry out such experiments. I must leave that to the leading scientists and the state authorities, but I can imagine that in times of emergency, such as war times, if problems cannot be solved in any other way, such experiments may be justified. The state, of course, has to approve the legal basis for it.

Q. Did you know the defendant Fritz Fischer said he had this lecture at this conference of the Military Academy?

A. No, I had just forgotten.

Q. Did you know the defendant Fischer at the Reichswehr?

A. No.

Q. Did Fischer talk to you about these experiments either before or after?

A. No.

Q. Did Professor Gebhardt talk to you about sulphanilamide experiments at any time?

A. No, Professor Gebhardt did not talk to me either.

Q. And also not later, after the conference of consulting physicians in 1944?

A. No. My connection with Professor Gebhardt was only a very superficial one. He hardly knew me. He did not speak to me. I was not an equal.

Q. Did Grawitz carry out experiments at Ravensbruck at which you recommended him?

A. I know nothing about any such visits of Grawitz to Ravensbruck. At least I did not accompany him.

Q. During the time of the ending of those experiments of sulphanilamide did you bear then the title of Chief of Personnel Office?

A. No, I received the title of that in March of 1943.

Q. Your only knowledge of sulphanilamide experiments, therefore, if I may summarize, comes from the lecture of Fischer at the meeting in 1943, which you attended, as many other people did?

A. Yes.

Q. According to the indictment you are charged with responsibility for sea water experiments; did you know the correspondence between Grawitz and Himmler of June or July 1944, in which experiments are mentioned carried out on gypsies and other inmates, where there they did make use of sea water?

A. No, I learned of these letters only here.

Q. Did you know anything about a correspondence between the authorities, where it is charged by the indictment about making drinkable all sea water?

A. No.

Q. Did you have anything to do with the planning or carrying out of such experiments at all?

A. No, I did not.

Q. In a letter from Sievers to Grawitz, No. 182, Exhibit 137, English Document Book 5, page 23, the adjutant of Grawitz is mentioned with whom the co-defendant Bieselbeck is supposed to have got in touch; did the adjutant tell you anything about this matter at all?

A. No, the adjutant did not talk to me about it.

Q. Did you know one of the parties in these experiments of the Luftwaffe who are made responsible by the Prosecution for participation in these experiments?

A. No, I know none of them.

Q. I say therefore in conclusion ask you, you have no knowledge whatever of such experiments as have been mentioned here, which were carried out on inmates of Dachau in order to make sea water drinkable?

A. No.

Q. You are also charged as particularly responsible in jaundice experiments; did you know of any connection between Dr. Reichardt with other people in order to carry out experiments on inmates for research in the epidemic jaundice?

A. No, I know nothing of such negotiations.

Q. Did you know Dr. Jochen who was mentioned in connection with such experiments?

A. No, I did not know him.

Q. Did you know anything about the transfer of cultures of Hepatitis virus?

A. No, I never heard anything about it.

Q. Did you know anything about experiments carried out inmates for the research on the epidemic jaundice?

A. No, I never heard anything about experiments on prisoners.

Q. Did you know anything of this, that eight men who were sentenced to death, criminals, that these criminals were infected artificially?

A No, I know nothing about that.

Q Did Grawitz ever talk to you about these questions?

A No.

Q You know no facts therefore from which you can conclude that such criminal experiments for research of epidemic jaundice were made?

A No.

Q You are furthermore charged as particularly responsible in the element of sterilization; did you know any of the persons who were mentioned by the prosecution in connection with sterilization experiments?

A No, I know none of them.

Q Did you know Gurland?

A No.

Q Did you know Dr. Hoffhaus?

A I had read the name "Hoffhaus" in the Medical Journal.

Q Did you know Dr. Koch?

A No, I did not know Dr. Koch.

Q Who was Schopper, in Document NO-034, Exhibit 144, English Document Book 56, page 6, in the name Schopper was mentioned?

A Schopper was a young SS doctor who was with the Reichsarzt for a few weeks. That was about 1942. He had fallen ill at the Front. If I remember correctly while was him. After he had been released from the Hospital at Berlin he was not sent back to the Front directly. He was to be assigned to an office first where he could recuperate. In this way Dr. Schopper came to the Office of the Reichsarzt briefly, where he likewise had a thing to do.

Q Schopper applied to the Personnel Staff of the Reichsarzt only after he received knowledge of Document NO-036, Prosecution Exhibit 143, Document Book 6, page 5, after he received knowledge of this document; how could this happen considering that Grawitz kept secret such delicate matters, and dealt with it himself?

A. This matter about sterilization by drugs which I saw here in the trial for the first time, is an open matter and nothing can be seen from it except that there is perhaps a new method of sterilization of people who legally had to be sterilized. Now Schaeffer got this letter I do not know, perhaps he saw it when the adjutant had it and took an interest in it. He must have had a personal friend in the Personal Staff to whom he turned. That is something quite unusual, and was actually forbidden.

Q. From the first letter from Hissler to Pohl, No. 036, which is Prosecution Exhibit No. 145, it becomes evident that Pohl supposedly was to get in touch with the Reichsrat in order to carry out experiments; from the evidence introduced here it seems to become evident that Pohl had no connection with Grawitz, but that the matter was only discussed with him by his medical assistant, Dr. Lelling; did you know this man Lelling?

A. I know him slightly. I found out his name at Grawitz' office when he was leaving after I had talked to Grawitz.

Q. Did Lelling speak to you about this or any experiments in concentration camps?

A. No, I had no connection with Lelling.

Q. Did you know about experiments in concentration camps about sterilization with X-rays?

A. No, I knew nothing about that.

Q. Did you know Dr. Schumann?

A. No, I did not know him.

Q Is Professor Klauberg known to you?

A Yes, I knew Professor Klauberg. In 1941, approximately. Himmler in the case of a number of SS wives and fiancées had ordered treatment by Professor Klauberg. They were cases when these women were sterile, according to the opinion of the doctors. In these cases the doctors expressed misgivings, which were recorded in the opinion of the Sippenamt doctor, but all cases where there were misgivings had to be turned over to Himmler for his personal decision; and then in about six or eight cases Himmler wrote on the records, "Treatment by Professor Klauberg, Hildesheimer." These women were then sent to Professor Klauberg for treatment, but this stopped pretty soon. After 1941 I heard no more about these cases.

Q What kind of method was this which was used by Professor Klauberg?

A It was a kind of hormone injections. It was a special system which he had developed.

Q In a letter of Dr. Grawitz to Himmler about treatment of female sterility there were a number of other doctors mentioned, Professor van Gelf, Professor Ehrhart, Professor Schulze, and so forth; do you know anything about that?

A Yes, Grawitz had officially informed the Race and Settlement Office that in the future in the treatment of sterile wives of SS doctors these doctors were to be used; and there was a special list for women's diseases for each district of Germany.

MR. LADD: May it please Your Honor, defense counsel just made reference to a letter from Grawitz to Himmler regarding sterilization. I would like to be in-

ferred to what he is referring to. I have no knowledge of any such letter.

THE PRESIDENT: Will counsel inform the counsel for the Prosecution as the Tribunal to what he refers?

(No response)

The Tribunal suggests that counsel inform the Tribunal and counsel for the Prosecution as to the Document to which he refers?

DR. KOENIG: Your Honor, I cannot determine to this point, but in the course of my examination I shall present and make known the letter.

THE PRESIDENT: Very well.

MR. HARDE: The Prosecution should like to know if this letter is available, is it taken as Prosecution exhibit and to what it refers. I have no idea as to what is referred.

DR. KOENIG: I shall explain that.

THE PRESIDENT: Will counsel proceed to enlighten the Tribunal and counsel?

DR. KOENIG: Yes.

Q. What did you know of Professor Klingenberg?

A. I know nothing else about Professor Klingenberg.

Q. Did you know about any other sterilization experiments which were suggested to have been carried out in concentration camps, of which were of criminal nature?

A. No, I know nothing about that. If I had heard anything about sterilization I would have had to assume it was sterilization according to the valid laws.

Q. This, after all is a letter which is to a certain extent with letters concerning population; was it not that Gr with consulted you in those population and racial matters?

A No, I was not an adviser of Grawitz in this sense. In the first place Grawitz did not accept any advice, also not in this field. He had his own particular ideas. Moreover these were matters of the so-called negative population policy, things which were foreign to me, to my whole training which I had obtained from Professor Leuz. In the Race and Settlement office I was concerned only with the positive matters. Sometimes I tried to present Professor Leuz's views to Grawitz, but I soon gave that up because he said that Professor Leuz was an academic and refused to accept his ideas. We never talked about these things.

Q You are further charged with further responsibility in typhus experiments; do you know that Buchenwald inmates were infected with typhus bacteria quite intentionally?

A No, that was unknown to me.

Q Did you know that Ding was active in Buchenwald?

A Yes, I know that. I knew that there was a Hygiene Institute in Buchenwald at which Ding was working.

Q What do you know of Ding's activity in Buchenwald?

A I do not know any of the details of this work, but I learned once that he was producing typhus serum, or vaccine against typhus, according to a new process, which quantitatively had rather results.

Q Did you know Ding?

A Yes, I met him frequently in Berlin at the office, and a few times I talked to him briefly.

Q What did you talk about?

A I don't remember, unimportant things. Ding was a cheerful person, and we exchanged greetings and discussed

unimportant matters briefly. I saw him only when he was
leaving Grevitz. I let him in the hall.

Q How often was he with Grevitz?

A I can't say exactly. I myself saw him there
three or four times.

Q Did Ding not talk to you about his typewriting ex-
periments?

A No, never.

particularly interested. I am not a specialist. I have no experience in the field of typing. I was not interested in the exhibit in question and do not know to whom it belongs.

Q. Did you know the Government was or was not to stamp all scientific publications?

A. No, not in general, but it is, and that Gensitz gave orders to do so.

Q. Were you a member of a special committee for typing and virus research which was under the leadership of Ding?

A. No, I do not know of any such committee. I was not a member of any such committee, and in view of my complete lack of qualifications, I cannot see why I should have been put on any such committee if it had existed.

Q. In this connection, would you look at the evidence for the defendant's exhibit, especially the affidavit of the Defendant's witness, Dr. Gensitz, Exhibit No. 12, which is a page 17 of the document. Dr. Gensitz's affidavit, I do not intend to read anything from that. The witness, Dr. Gensitz, in his affidavit 440 contains -- this is Exhibit for the prosecution 221, Exhibit Document B-12, page 17 -- that he was observed, confirmed. Is that correct?

A. No, I never read it. I am not a general. I am not a member of any committee in this context and do not know. Dr. Gensitz's affidavit is information from Gensitz and I must have confused the name.

Q. Did you hear the lecture by Ding at the time of the conference of consulting army physicians in the year 1943? This is the same lecture, surely, to which Dr. Gensitz took objection.

A. No, I did not hear Ding, and I was not present at any lectures of the hygiene section at these meetings.

Q. The witness, Kogen, said when asked by the Defense that no reports about typhus experiments were submitted to Pogonick. This is in the English records, page 1266, German records, 1285. He furthermore says at the examination by the Prosecution, page 1268, English book, German book, 1307, that he had sent reports to Grawitz, and Pogonick received a copy of this report. There is a disagreement, probably between these two statements. What have you to say to this?

A. I can only declare that I had nothing to do with typhus experiments or reports on that. When asked by Dr. Boer, Kogen answered that no report was sent to me. His second contradictory statement which he made about half an hour later I can explain by the question asked by the Prosecution. Kogen was asked whether reports were sent to Grawitz. Kogen answered "yes", and then why the Prosecution showed him the records, and he knew that I belonged to Grawitz's staff, so that he knew or to the next question -- did Pogonick receive a copy -- he also answered "yes". I cannot understand why within a short time he could make two directly contradictory statements. In answer to the first clear question as to whether I receive reports on typhus, he said "no".

MR. TERRY: Your Honor, it is respectfully requested Defense Counsel as to the procedure in which these contradictory statements of Kogen's appear in the record.

THE PRESIDENT: Counsel's request is reasonable. Will Counsel for the Defendant furnish Counsel with the case numbers where these statements may be found?

DR. BOER: I did that already, and it was shown a letter of record on page 1266 and the German record on 1285, and in the record made by the Prosecution it was the English

record, 1288, and the German no was 1307. At this opportunity I should like to come to the letter and to mention it here, a letter which I have already mentioned in connection with Klausberg. It is in German Document Book 8, Document 10-214, Page 48. This is a letter from Grawitz to Lindler which refers to Klausberg.

BY MR. JOEHL:

Q. In connection with what has been said, I would like to ask you: Did you have any correspondence at all with typhus research or other diseases which made it possible for you to recognize that criminal experiments in these fields had been made?

A. No.

Q. You are, furthermore, charged by the Prosecution with responsibility in experiments with prisons. Did you ever visit the concentration camp Buchenwald in which experiments with patients were supposedly made, according to the statements of the witness, between, in December, 1943, until October 1944?

A. I never entered the concentration camp Buchenwald.

Q. Did you act in any way received material or otherwise orally or by writing of these experiments with prisons?

A. No, I received no material of them.

Q. Furthermore, it was stated by the Prosecution that a special experiment camp, so to speak, which Criminal Police Office in September, 1944, in which five persons were supposed to have taken part. These were experiments with acrobatics. Did you ever participate at this letter of Krugowsky to the Criminal Technical Institute, or did you know anything about any such letters? Was letter was Document number 201, Prosecution Exhibit 290.

A. I know nothing besides the letter of Krugowsky's, and I

Did not see any other correspondence about it.

Q. About all this matter you only received knowledge after your arrival in Wernberg, did you not?

A. Yes.

Q. Also, you are charged with responsibility in experiments with incendiary bombs. Did you know anything about any experiments in Buchenwald on human beings in which incendiary bombs were used?

A. No, I did not.

Q. The witness, Regen, in his deposition spoke of an experimental ward B. Does that have a special office in the office of the Reichsführer in which such experiments were planned and approved?

A. I know of no such office. I do not know what kind of work this office would have for, so far as I am directly thirty-five letters which refer to Organs, growing no doubt from not or passed on personally.

Q. In your opinion, witness, was this experimental station B in Leipzig which supposedly had the authority for experimentation in connection with a charge which was mentioned by Regen?

A. This is quite different confusion with the so-called research section V, Professor von Kessel. That is the initial of his name. This was located in Leipzig.

Q. Is it your knowledge or your opinion that his activities?

A. Professor von Kessel was the director of the skin clinic of the University of Leipzig. Besides that he was one of the best-known specialists for the development of new medicines in the so-called sulfonamide series.

Q. What did von Kessel have to do with this experimental station B?

A. For years at his clinic he had a special research

laboratory, to so-called Research section V, and in these chemical labor series is carried on research on sulfonamides in addition to his work as a clinic.

Q. Was he in any connection with the SS?

A. As far as I know, he received financial support from the Waffen-SS during the last years of the War. As far as research work is concerned, however, his work was not incorporated in the SS.

Q. Do you know whether this research department had any connection with concentration camps?

A. If I understand correctly, I received animals from the hygiene institute at Berlin I. Such animals were very difficult to obtain during the War; probably Professor von Knebel was responsible for this. As the hygiene institute on this matter, in Berlin, was not this correspondence and saw the letter of Research section V, but he didn't know what it was, and he put it in "Research section" Research numeral V, and then he thought that this was an experimental station near Berlin V of which he talked so much here.

Q. Can you find in any other way, or connects you with this office?

A. As far as I recall, I once sent a letter to him on behalf of Dr. Witz, and I received a very friendly request for experimental animals. On the basis of such friendly letters, Knebel probably confused these things. He thought that I was the one in charge of all such experiments.

DR. DEHLE: Document 1070-13 in Document Book I about Rosen-
tich, page 36, contains the following, we excerpt from this
book. I offer this document as Document No. 6. Kagon writes in his book "The SS It Is" that he is
responsible for this department in which the experiments

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were carried out.

On the witness stand Kogon did not maintain this, and what is your opinion?

A I can only repeat that I was not responsible for research section V of Professor von Kennel nor for any alleged research section under the Reichsamt, that I had no responsibility in these connections.

Q With the exception of your relation to the supply of experimental animals, you had nothing to do with this experimental station, did you?

A No, I cannot remember anything else.

Q Also not with incendiary bomb experiments?

A No.

Dr. Kogon: Explaining this department V, in connection with this I submit this document which is an affidavit by Dr. Altmann, no-8 and also no-9, which is an affidavit by Professor von Kennel. Both of these documents are on pages 23 and 24 of the document book Appendix. I offer them as Appendix Exhibits No. 7 and 8, and I would like to read these documents. Appendix Exhibit no. 7, I quote:--

MR. HADY: May it please Your Honor, pardon me for interrupting. I have no objections to these two affidavits, but I wish to request the Secretary-General to bring to court the original exhibits of Document numbers NO-879, NO-582 and NO-1300.

THE PRESIDENT: The Secretary-General will note the request of the Council for the production.

MR. HADY: These are the original exhibits.

THE PRESIDENT: The original exhibits or the original documents?

MR. HADY: The original documents.

THE PRESIDENT: The original documents to court to-

morning morning.

DR. BOHRER: I shall now read Exhibit Poppendick
No. 7:

"I was an employee at the Schering works A. G. in
Berlin-Charlottenburg since the year 1935 and was at the
same time a co-worker of Professor von Kannel who was at
that time Senior Physician (Oberarzt) at the Municipal
Hospital Schwabing, Munich. Professor von Kannel worked
on sulfonamide research, and I worked under him as a
chemical co-worker. Medical science owes to him the re-
search of the sulfonamide group whose most efficacious
compound was Glotacid which was produced by the Schering
works.

"From 1937 until 1943 Professor von Kannel was dir-
ector of the University Clinic for Skin and Venereal
Diseases in Kiel and after that in Leipzig in the same
capacity.

"He finally directed in Leipzig a chemo-therapeutic
Department called Research Department V (not Admin V but
"V") which was financially supported by the SS. He wor-
ked for economic independence from industry and intended
his research institute to be taken over by the state. He
had the assurance of the SS that he would remain a com-
pletely free and independent research worker. He suc-
cessfully directed his Research Department V -- for von
Kannel -- on his own responsibility. In scientific let-
ters even the Reich Physician-SS and Police Dr. Grawitz
could give him no orders, nor did he have to.

"There is no doubt that the chief of the general
office of the Reich Physician-SS and Police, Karl Poppen-
dick, was not responsible for the activities of this re-
search Department V. I know that Professor von Kannel

received animals for experiments, white mice, for his laboratory in Leipzig from Buchenwald, and that there was an exchange of correspondence regarding this. I remember a talk with Professor von Kannel in the course of which we discussed the hormone research of a Danish SS physician. This doctor who worked on the implantation of hormone crystals never worked with Professor von Kannel or his research department V.

"The research department of Professor von Kannel never as far as I know had anything to do with experiments on typhus and inoculatory bombs; the sole purpose of this department was research on sulfonamides and during the last few years of the war research on penicillin."

I shall also read Document Exhibit No. 8:

"I, Professor Dr. med. Josef von Kannel, born 9 August 1897 in Munich, residence 83 Hamburg vor der Muehle, 29. Mainstrasse 14, have been advised that I will be liable to punishment if I make a false affidavit. I declare under oath that my statements are true and were made in order to be submitted as evidence to Military Tribunal I in the Palace of Justice in Nuremberg, Germany.

"After April 1918, I studied medicine. Having finished my specialized studies as a specialist in skin and venereal diseases, I occupied myself already at an early date with chemotherapy and its research. In 1928 I worked with Dr. Fliet of the Securing Works No. 3., Berlin, on the gold preparation Solganol-Hidrosol. In 1932 I received for this work my doctor of doctor Habil. The beginning of my research work V (von Kannel) dates back to this time. At that time I renounced all personal

financial participation in the large-scale manufacture of the above-named preparation by the firm of Schering, rather I contented myself with a chemist and an assistant for my research work. My first chemist in my research department V was Dr. Michael, a Jew, who was married to an English woman. In 1933 I helped him to emigrate to England. My next chemist collaborator was Dr. Klings. In 1937 I became ordinary professor at the University of Kiel and director of the University dermatology clinic. The invention of the sulfonamide Sulfamid by Klings and goes back to that time, the production of which by the firm of Schering was only now been authorized again by the English occupation authorities for the Schering firm.

Together with Klings at Kiel there appeared the first German work on penicillin in the Clinical weekly (Klinische Wochenschrift) (1940/1943). With the support of the firm of Schering, the research department V's personnel had meanwhile increased greatly. I had my own research account V for the authorized research expenditures.

In 1943 I was summoned by letter to report to the medical office of the Waffen-SS. I was asked there to place myself at the disposal of the Waffen-SS as consultant specialist for venereal diseases with gonorrhea. After some objections on my part, I finally agreed after I had been expressly assured of my absolute civilian independence. For my work I was provided financial support especially in the form of emoluments.

"On 1 April 1943 I received a summons to the University of Leipzig and could move my Kiel research department there. By financial and material support from the Waffen-SS we were able to keep the clinic, which was heavily damaged by bombs, in a workable condition. In 1943 I received the honorary rank of Sturmbannfuhrer in the Waffen-SS in common with the other consultant physicians of other troop units. Before this I had no connection with any organization of the NSDAP, apart from my membership from 1933 on (without office).

"An excerpt from the book 'The SS State' (Der SS-Staat) by Eugen Kogon, as well as his testimony before Military Tribunal I regarding the experimental station in Leipzig, has been submitted to me, and from my own knowledge I can state the following thereto:

"In Leipzig there was no experimental station Roman 'V'. There was only a research department V (Vonkannel), which had gone with me from Munich via Kiel to Leipzig and which was financially supported by the firm of Schering in respect of my inventions.

"Only in 1943 did this research department receive certain financial and material assistance from the Waffen SS as well. This research department was exclusively under my orders. It was a purely civilian university institution. Not one single worker was a member of the SS. In fact, I employed a Catholic priest as my private secretary whom the Gestapo intended to send to Buchenwald, and an unlicensed half-Jewish woman doctor was my private assistant.

"The research department V (Vonkannel) was exclusively concerned with chemotherapeutic problems (sulfonamides, penicillin, lice powder, etc.). All the works of this research department were published in official medical weeklies under the heading 'By the Working Community of the Leipzig, or Kiel, Dermatology Clinic, Director: Professor Vonkannel'.

"This department never had anything to do with the hormone experiments of Dr. Vaernet, with typhus, or with experiments concerning burns. I personally only once heard of Dr. Vaernet, that he was in Berlin seeking the cooperation of the pharmaceutical industry. The experiments mentioned

in the book of Dr. Kogon are entirely unknown to me.

"Viewed from a medical expert's point of view, the implantation of synthetic hormones in the form of crystals or tablets into the abdominal cavity represents an internationally recognized method which has already proved effective.

"Dr. Grawitz, the Reich Physician SS and Police, visited my clinic only once, after the heavy air raid in December 1944. I received from him no directives whatsoever in scientific respects or in regard to working methods.

"Mr. Poppendick had nothing whatever to do with my research department, nor did he ever try to interfere in themes or methods.

"The assertion made in Dr. Kogon's book that Poppendick was authorized to sign for the experimental department is entirely unfounded."

That is the end of my quotation. The affidavit is signed and certified, and therefore correct.

THE PRESIDENT: The Tribunal has received from Captain Charles J. Roake, Medical Corps, a written statement that the defendant Oberhueser should be excused from attendance at this afternoon's session. This has been accomplished and the certificate will be filed for the record.

(The Tribunal adjourned until 9 April 1947 at 0930 hours.)

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